



**Planning Commission Minutes of Meeting
Remote Meeting by Zoom**

CALL TO ORDER & ROLL CALL:

A regular meeting of the Bay City Planning Commission held remotely by Zoom, was called to order by Lori Dufresne at 7:02 p.m.

Present: Lori Dufresne, Bob Shea, Doug Rise, Jim Reaume, Shelley Niedzwiecki, Dan Matthews

Absent:

Excused: Ashley Dardas

Others: Staff Liaison Terry Moutane, AICP, Planning & Zoning Manager; Lisa Griffiths, Planning & Zoning Administrative Assistant

APPROVAL OF MINUTES:

D. Rise noted the wording in the last paragraph on the last page should be corrected from “deed be rescinded” to “deed restrictions be rescinded”.

Motion by D. Rise, seconded by J. Reaume to approve past meeting minutes for May 19, 2021 as corrected. Motion carried unanimously.

PUBLIC COMMENT - NON-AGENDA ITEMS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

Case SU 21-3 – 1202 S. Wenona Street, PMG Properties (Patrick Gorzenski).

Requesting special use and site plan approval that would authorize the parcel at 1202 S. Wenona Street to be used for off-street parking area for a nonresidential use for 1200 S. Wenona Street.

Motion made by D. Rise, seconded by D. Matthews to open public hearing.

Motion carried unanimously

Present: Patrick Gorzenski, applicant; Emily Mattison.

T. Moutane explained it was a re-use of the building with some exterior modifications and other things regarding a convenience store. The lot to the south is vacant; zoning allows for a commercial use as a parking lot in the R-1 district as was being requested. He said screening was a main requirement and there were two options, a five-foot green belt with landscaping or a fence.

Mr. Gorzenski said he had a purchase agreement for the two lots that was contingent upon obtaining a special use permit for a parking lot. He planned to have a locally sourced organic food store. The store would not be productive without parking and felt he supplied all the needed information for a hard-surfaced parking lot. Renovations were planned for the exterior and interior of the building.

D. Matthews noted a pizza oven was included in the plans and wondered if food would be served. Mr. Gorzenski confirmed the intention was for light take-out food from the coolers and pizza. He realized some issues would need to be addressed concerning the pizza oven, outdoor coolers, and seating at the front part of the building which was the original parking area. A new parking area would be created in the adjacent lot.

B. Shea asked if the outside eating area would need separate approval.

T. Moulane replied that it would. He clarified a non-conforming use of land or a structure such as a convenience store in a residential area limits different types of improvements such as coolers and outdoor seating without seeking a variance from the Zoning Board of Appeals. He said Mr. Gorzenski was prepared to go forward with the parking lot even if the variances were denied because it would still be needed for the use of the building.

D. Rise asked if the gravel lot was previously non-conforming. T. Moulane said it was. He did not know which year the home had been demolished but explained it had not always been required to restore a demolished site to a grass surface.

Mark Allen asked if the vacant lot would be rezoned to commercial. Staff replied there was a clause in the ordinance for residential property that allowed for the parking lot, but it would not be a rezoning of the property.

Mr. Allen asked if the five-foot green belt would be on the west and south side of the properties. Staff replied the plans showed a three-foot green belt with the installation of a six-foot high fence that would meet the fence regulations.

Mr. Allen wondered if the front entrance on Wenona would be closed off. Mr. Gorzenski said it would be the entrance/exit to a potential patio for seating. The main door would be facing the south side at the parking lot. The Wenona door would primarily be for customers eating their food.

Mr. Allen inquired how deliveries would be made. He stated there was a problem with large trucks parking on the street and across the sidewalk on Iona Street with the previous store. Mr. Gorzenski thought the parking lot would alleviate that problem having entrances on both Ionia and Wenona Streets but that deliveries should be expected for that type of business. Emily Mattison added she had worked on the site plan for the site and said there would be a door on the west side of the building just for unloading deliveries.

Mr. Allen asked if the corner would become a four-way stop. L. Dufresne explained that issue was not part of the Planning Commission's role. Mr. Allen asked if there was a timeframe for the project. Mr. Gorzenski said they were ready to start as soon as they closed on the property, but it may be at least another six weeks because of the variance and permitting process with the city and were hoping to start in September.

Motion to close public hearing made by B. Shea, seconded by S. Niedzwiecki.
Motion carried unanimously.

T. Moulane commented existing vegetation makes a determination of how screening will be provided but is often not known whose it is until the meeting takes place. A concerned neighbor had stopped by

stating the shrubs were on her property. T. Moulane said he explained to her he thought a fence would be installed to provide adequate screening. He said the applicant understood screening was a requirement and stated the fence could be listed as a condition.

D. Rise noted screening was not indicated for the dumpster. T. Moulane stated there was a comment in the conditions of the staff report about the dumpster screening.

Motion made by S. Niedzwiecki, to approve the special use with site plan review for Case SU 21-3 1202 S. Wenona.

Staff asked S. Niedzwiecki to revise her motion to concur with staff findings and conditions as listed in 1-8 in Part V. S. Niedzwiecki accepted the change.

Part V Staff Findings and Conditions

- 1) The proposed use meets the requirements for zoning district in which it is located found in Article V, Permitted Uses Table 122-102.
- 2) Special use approval standards of 122-357 apply and shall be included in the final motion.
- 3) Based on public input and the explanation of the proposed use by the applicant, the planning commission will need to determine specifically whether the use is appropriate for its proposed location and compatible with the character of surrounding land uses based on the site plan provided.
- 4) A screening fence is required, and a fence permit obtained.
- 5) A sign permit is required that meets Chapter 85, Signage
- 6) The dumpster will need to be 10 feet from a property and enclosed according to standards in Section 122-68.
- 7) Lighting specifications must be provided and shall be shielded from light trespass to the adjacent land use.
- 8) Driveway permit must be obtained from the City Engineering Department.

Seconded by D. Rise.

Motion carried unanimously.

Case SU 21-2 – 411 S. Henry Street D&M Site, Inc. (Dennis W. Banaszak)

Requesting special use and site plan approval for a motor vehicle gas station containing four pump islands and a 3,440 sq. ft. convenience store.

Motion to go into public hearing made by B. Shea, seconded by D. Matthews.

Motion carried unanimously.

Present: Dennis Banaszak, D&M Site, Inc.; Shaunti Althoff on behalf of the Hoogland family.

T. Moulane explained a request was made at the June 7, 2021 city commission meeting to remove the deed restrictions placed on the property in 1989. The city commission rescinded restriction #3 prohibiting convenience stores and the sale of alcoholic beverages. He stated it was also known that MDOT would not issue permits for curb-cuts on either of the one-ways. The planning department had

not received any changes to the original site plan. A letter from the Marathon Corporation regarding fuel delivery had been received and provided to the commission members.

Mr. Banaszak presented a drawing and shared their solutions to the city engineer's concerns. He said almost all gas stations in the city have less frontage and have two drive openings; they should be able to have two as well.

They would have two openings but have an MDOT F4 profile topped by an MDOT E2 profile double-curb with a brick paver stamp and a reddish orange tint in the concrete dividing the openings. No one in a car would be able to drive over it.

L. Dufresne asked if the existing openings would be expanded. Mr. Banaszak answered they would need to be to support the increased traffic though they would be farther apart than most service stations and would be tied together by the orange area.

L. Dufresne was concerned. She said most stations she is familiar with have two separate entrances, a side street, and a main street entrance. This one would only have a short area next to a red light where it could get blocked rather easily. Mr. Banaszak argued the approaches of the Speedway station on Broadway were similar except for the side street opening which he felt should not have any bearing on the Henry St. location because they tried, but MDOT would not allow entrances off the one-ways.

L. Dufresne inquired about foot traffic. She thought it may be hazardous with two traffic lights even with the larger approaches. Mr. Banaszak said there would be sidewalks with heavy duty pavement because of the way the fuel trucks were proposed to pull in and out of the site. He said traffic was bound to be backed up with cars trying to turn left onto the bridge at times but did not think it would be a constant issue. He mentioned the traffic count was half of what was on Broadway and that station did not seem to have any issues. L. Dufresne brought up they had the side-street entrance that was heavily used.

J. Reaume asked if the fuel truck would need to pull forward and then back-in to dock. Mr. Banaszak provided a visual demonstration of how the truck would pull in and out of the site. The truck would turn off Thomas onto Henry, drive over the curb onto the site and then back-up to the tank. It would exit via Jenny back to I-75. He said the city engineer still felt it was a safety concern, but he was unable to obtain an explanation why.

J. Reaume asked how long traffic would be held up by the truck as it waited for traffic to clear and pull into the site. Mr. Banaszak answered it would be relatively quick and most deliveries would happen after 7 p.m. so he didn't feel traffic would be an issue. He said it was a straightforward delivery route and they do not anticipate any problems with traffic.

Mr. Banaszak added there was some concern for the removal of landscaping at the current entrance but commented they had plenty of room to add more landscaping. He also said the signage location shown was just proposed. They still needed to go through the sign permitting process and the location would be in the appropriate place.

T. Moulthane thought it important to explain a denial of site plan review based on a departmental routing review comment – or in a situation where the commission approves, but the city engineer denies it. He read the zoning ordinance aloud: the Zoning Board of Appeals has the authority to hear and decide

appeals where it is alleged there is an error in an order requirement permit decision or refusal made by an official or commission in carrying out or enforcing any provisions of this chapter. Such appeal shall be requested by the applicant within 30 days of the date of the order refusal or determination being appealed.

T. Moulane said if the Planning Commission approves the special use permit, it should be with a condition that the access drive be approved by the engineer to be correct. If a resolution cannot be reached with the city engineer within 30 days, then the alternative would be the Zoning Board of Appeals.

D. Rise asked if it would still be dependent on the city's approval even if they gave conditional approval. T. Moulane confirmed it would because the city engineer is responsible to issue the curb-cut and access permits.

Public Comment:

John Stevens from Linn St. was against the gas station. The caller had a poor phone connection and often unable to hear his comments.

Chris Roesen – in charge of fuel delivery for the site, commented delivery would be after 7:00 p.m. and the design that the engineer provided is more than adequate to pull in properly and is safe to do so. A traffic study was conducted and fared well.

Shaunti Althoff for the Hoogland Family commented they do not have commercial tenants knocking on their door for this location and would appreciate any consideration of special use permits.

L. Dufresne asked if there had been any comments received.

T. Moulane answered there had been a letter sent to the Zoning Dept. from John Stevens, and Norm Stevens at 103 Chandler St. The letter talked about the high demand for electric vehicles and how the demand for gasoline and gas stations will diminish. There were concerns about gas stations having a higher impact on the water quality than most businesses and spoke of issues with gas and motor oils running into the river if not connected to the storm sewer at that location.

Mr. Banaszak commented the catch basin was connected to the sewer so it would go to the treatment plant. He said the property could not be seen from the waterfront and believes combustion engines weren't going away before the proprietor of the business retires.

J. Reaume asked about the timing of beer, food, and snack deliveries. Mr. Banaszak said his purpose was for the gasoline and engineering. He hadn't anticipated the question or would have asked Jameel but assumed they would be day deliveries.

Motion to close public hearing made by B. Shea, seconded by D. Matthews.
Motion carried unanimously.

Discussion Before Motion:

D. Matthews had the same concerns as the public. The amount of traffic is quite a bit. S. Niedzwiecki agreed. She said she drives through there several times a day, anywhere between 5 a.m. and 9 p.m., with no real letup in traffic or accidents. She did not feel this was a good choice.

L. Dufresne asked if the immediate homeowners in the area receive notification. T. Moulane answered all property owners and residents within 300 feet are notified along with a public notice that is published in the Pinconning Journal. L. Dufresne and S. Niedzwiecki had an issue with publishing in that paper. Neither one reads it and were pretty sure none of their neighbors did either.

S. Niedzwiecki stated most homes in that area were rentals and as such the occupants may not care about those types of issues.

D. Matthews was concerned about the availability of alcohol right on the river especially during summer festivities.

L. Dufresne was concerned with the foot traffic along that sidewalk. She said part of their task is to decide if it fits the area and if it would help the area grow.

L. Dufresne asked if it was going to be open 24 hours, but the hours of operation were not known. She was concerned with the timing of deliveries and possible congestion with the large delivery trucks. D. Banaszak stated delivery trucks are not as long as fuel trucks and if a truck is too large for the site, the distributor will use a smaller truck.

J. Reaume said trucks pull off to the side on Broadway and rotate in and out of the Speedway station but they would not be able to do that if there were stoplights at either end of the station. He also thought there was a requirement to have 27 parking spaces. He said he wondered about that because it listed a total of 27 parking spaces were required and were being provided in the site plan standards.

D. Banaszak said they were required to have 22 spaces but had 27. T. Moulane confirmed. He explained there was some built-in flexibility for numbers in some zoning districts and additional off-street requirements do not have to be met for an existing site change of use in that district.

D. Banaszak said he understood that stretch of Henry is a congested area, but the lights are over a block apart and there will be situations where it will be difficult for vehicles to pull out of the gas station. He wanted to know what would be looked at that would not have an issue with traffic because he was sure even the former Family Video had had issues.

D. Matthews thought it would add more stress to an area that is already stressful and was very concerned about the direct access of alcohol to the park.

L. Dufresne stated the City Commission had removed that restriction from the deed and the Planning Commission's concern was to decide if there was a safety issue for people getting in and out of that site.

Motion made by S. Niedzwiecki to deny SU 21-2 - 411 S. Henry St.

Section 122-357 – Special Use Approval Standards

- a) The proposed special use will impair the public health, safety, and welfare of both vehicular and pedestrian traffic.
- b) The proposed special use is not appropriate for its proposed location and it is not compatible with the character of surrounding land uses.
- c) The city engineer has a lot more expertise than I do and if they feel this is not a good fit for that location I would stand by their decision.
- e) The location and design of the proposed special use does not minimize any potential adverse effects of the use on surrounding properties by avoiding significant adverse impact relating to parking, loading, delivery, storage, and service areas. I do feel there will probably be quite a bit of light pollution as well if this is a 24-hour operation.
- f) The location and design of driveways are not safe in relation to streets providing access to the use and will stand by the city staff's recommendation on that.

Seconded by B. Shea

Roll Call Vote

Yes vote to support the motion to deny.

Six "YES" votes.

Motion carried.

OTHER BUSINESS:

None.

Motion to adjourn by J. Reaume, seconded by B. Shea.

Meeting adjourned at 8:25 p.m.

Prepared by Lisa Griffiths, Planning & Zoning Administrative Assistant