

PLANNING & ZONING DEPARTMENT

2021 ANNUAL REPORT

STAFF:

Terry Moulthane, AICP, Planning & Zoning Manager

Scott McKillop, Community Development Planner (Retired September 2021)

Anthony Dier, Community Development Planner (November 2021)

Lisa Griffiths, Planning & Zoning Administrative Assistant

RESPONSIBILITIES:

The primary aim of the Planning Department is to maintain the long-term sustainability of the community, economy, and environment, with prompt, professional service and a philosophy that inspires creative solutions. The department is responsible for the administration of the Zoning Ordinance, Historic Preservation Ordinance, the Medical and Adult Use Marihuana Facilities Ordinance and provides professional support to the Planning Commission, Zoning Board of Appeals, Historic District Commission, Midland-Salzburg Citizens District Council and the Southend Citizens District Council.

Other planning and zoning functions include community planning, park planning, transportation planning and community development projects. Staff also provides professional assistance to homeowners, businesses, developers and city leaders on a variety of land use issues.

Daily Activities

1. Interpret and enforce the zoning ordinance regarding land use, physical development, historic preservation, and signs.
2. Interpret and assist with Medical & Adult-Use Recreational Marihuana facility locations and review of all applications received.
3. Review site plans and building permits for compliance with applicable zoning ordinances and laws.
4. Review infrastructure plans to ensure that appropriate development/design standards are consistent with the City's Master Plan and existing land use.
5. Provide technical assistance and information to City boards and committees, other City staff and the public.
6. Conduct planning studies regarding community development, transportation, housing, infrastructure, land use, and historic issues as necessary.



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BOARDS AND COMMITTEES:

Planning Department staff serves as City staff liaisons and/or are members of several city and community boards and committees.

Planning Commission. The Planning Commission consists of seven members authorized with overseeing zoning and planning related matters. The Planning Commission reviews and approves site plans, and special uses for new developments. It makes recommendations to the City Commission on rezoning's and public right-of-way vacations. The Commission also prepares reports and plans relating to land use, transportation and recreation. The Planning Commission meets on the third Wednesday of each month.

Historic District Commission. The Historic District Commission (HDC) consists of seven members and is authorized to review applications for work to resources within the City's historic districts. When reviewing applications, the HDC applies the Secretary of the Interior Standards for Rehabilitation. The HDC meets twice a month on the second and fourth Wednesday of each month from April through September and one meeting a month October through March.

Zoning Board of Appeals. The Zoning Board of Appeals (ZBA) consists of five regular members and two alternate members, all of whom are appointed by the City Commission. The ZBA is authorized by state statute to grant use and non-use variances, interpret the City's zoning regulations, the location of zoning district boundaries, and hear appeals of orders issued in the administration of the City's zoning regulations. Its decisions may be appealed to the Circuit Court or Court of Appeals. The ZBA also acts as the City's Sign Board of Appeals as established by Chapter 85 (signs) of the city's code of ordinances. The ZBA meets on the second Tuesday of each month as necessary.

Citizens District Councils. Planning & Zoning Department staff serve as the City's staff liaison to the Midland-Salzburg and South End Citizens District Councils. In this capacity, they attend regular and special Council meetings and are responsible for keeping the members informed of city related activities that affect their neighborhoods and oversee CDC related projects and developments.

Other Boards and Committees. Planning Department staff also represents the City on the following committees:

- Bay City Area Transportation Study (BCATS) Policy Committee
- Bay City Area Transportation Study (BCATS) Technical Committee
- Bay County Gypsy Moth Advisory Committee
- Downtown Development Authority (DDA)

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PLANNING COMMISSION:

Members

Lori Dufresne – President
Robert Shea
Ashley Dardas
Daniel Matthews
Douglas Rise – Vice-President
James Reaume – Secretary
Shelley Niedzwiecki (Term began February 2021)

The Planning Commission activities for 2021 included the following:

Zoning Ordinance

Due to the Covid Pandemic, the new city zoning ordinance and map project was not completed and adopted in 2021 as anticipated. Public participation in the process is paramount so adjustments for the public input sessions will be made.

Marihuana

The Planning Commission reviews site plans for new construction activities.

Training

Due to the Covid Pandemic, in-person training was not available. Staff member Lisa Griffiths, and two Planning Commission members, Douglas Rise and Shelley Niedzwiecki, took advantage of online training through the Michigan Association of Planning. Terry Moulthane attended the Planning Michigan Annual Virtual Conference.

Planning Commission Review Cases:

(7) Site Plan Reviews, (5) Public Hearing Special Use Cases and (1) Public Hearing Rezoning Case:

Project Type	Location	Description	Recommendation to Legislative Body	Approved
<i>Site Plan Review</i>	1645 Marquette	New service buildings for Bay City Dept. of Public Works	N/A	Yes

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Project Type	Location	Description	Recommendation to Legislative Body	Approved
<i>Site Plan Review</i>	1601 S. Euclid Ave.	Agency on Aging additional parking improvements	N/A	Yes
<i>Site Plan Review</i>	715 Marquette	Recreational adult-use marihuana grower facility	N/A	Yes
<i>Site Plan Review</i>	512 Backus St.	Bay City Light & Power substation	N/A	Yes
<i>Site Plan Review</i>	211 N. Henry St.	Parking lot improvements	N/A	Yes
<i>Site Plan Review</i>	715 Marquette	Site plan revision	N/A	Yes
<i>Site Plan Review</i>	1421 S. Euclid Ave.	Medical & recreational adult-use marihuana dispensary facility	N/A	Yes
<i>Special Use Public Hearing</i>	1113 Center Ave.	Construction of a multi-family apartment building	N/A	Yes
<i>Special Use Public Hearing/Site Plan Review</i>	411 S. Henry St.	Motor vehicle gas station	N/A	No
<i>Special Use Public Hearing</i>	1202 S. Wenona St.	Use parcel for off-street parking	N/A	Yes
<i>Special Use Public Hearing</i>	400 Lafayette St.	Approval for off-street parking lot	N/A	Yes
<i>Rezoning</i>	512 Germania St.	Property rezoned to M-1, Light Industrial	Yes	Yes

Administrative Review Cases:

(17) Total Cases Reviewed by Staff:

Type of Project	Number Approved
<i>Cell Tower Colocations</i>	8
<i>Construction under 3000 sq. ft.</i>	3
<i>Parking Lot/Parking Expansion</i>	3
<i>Temporary Retail Structure (Tent)</i>	1
<i>Temporary Retail Structure (Trailer)</i>	2
<i>Sidewalk Cafes</i>	All submitted

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ZONING BOARD OF APPEALS/SIGN BOARD OF APPEALS:

Regular Members

William Darbee, Chair
Jan Rise, Vice-Chair
Christopher Greenleaf
Lonnie Dowd
Larry Elliott

Alternate Members

Two alternate members are appointed to serve in place of regular members who are unable to attend a meeting or have a conflict of interest with a matter subject board jurisdiction.

Charles Congdon
Allen Hilliker, Sr.

Training

Due to the Covid Pandemic, in-person training was not available. ZBA member Lonnie Dowd attended virtual training through the Michigan Association of Planning.

Public Hearings for 2021

Public hearing on matters of ZBA jurisdiction are conducted on an as-needed basis as appeals and applications are filed. Regular meetings are held on the second Tuesday of each month at 7:00 p.m. in the City Commission Chambers.

(10) ZBA Cases Reviewed and (1) SBA Case Reviewed:

Address	Type of Request	Granted/Denied?
723 S. Sheridan	Front porch setback	Approved
302 Lafayette	Sign variance	Approved (with conditions)
1007 S. Arbor	Stoop setback	Denied
114 N. Jackson	Use variance	Approved
1005 S. Arbor	Fence height	Denied
408 N. Linn	Fence height	Denied
1100 N. Grant	Building setback	Approved

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Address	Type of Request	Granted/Denied?
915 McGraw	Lot coverage in M-1	Approved
100 Green Ave.	Use variance	Denied
1200 S. Wenona	Use variance, front yard variance, allow non-conforming use variance	Approved
411 S. Henry	Special Use appeal	Denied

HISTORIC DISTRICT COMMISSION:

Members

The Historic District Commission (HDC) is a seven-member body whose authority is conferred by the city's historic preservation districts regulations. The commission presently has six members and one vacancy.

Mary Ewald-Sayles, Chair
Steve Goss
Ashley Meier, Vice Chair
Grace Sayles
Adam Gac (Resigned in March 2021)
Lorelie Doerr
Jill Putt (Term began August 2021)

Historic District Applications Received:

- (29) Historic District Work Review Applications Reviewed
- (4) HPO Applications Reviewed
- (31) Certificates of Appropriateness Issued
- (2) Notices to Proceed with Demolition Issued

Type of Project	Number Approved
Architectural Elements	1
Canopy	1
Chimney	1
Deck	1
Demolition	2
Doors	7
Driveway	2
Garage Doors	3

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Type of Project	Number Approved
<i>Gutters/Downspouts</i>	3
<i>Lighting</i>	2
<i>Masonry Work</i>	1
<i>New Construction</i>	3
<i>Porch (front, side, rear)</i>	8
<i>Roof Work</i>	1
<i>Siding Replacement</i>	2
<i>Stairs</i>	1
<i>Vinyl Siding</i>	2
<i>Windows</i>	13

Training

Planned training sessions and meetings by the State Historic Preservation Office to develop design guidelines for the City's historic district were not held due to the Covid Pandemic.

Medical & Adult-Use Marihuana Applications:

The Planning & Zoning Department processes all city operating license applications for both medical and adult-use marihuana facilities.

During 2021, Planning & Zoning Department received applications for 14 medical and 48 adult-use recreational marihuana licenses for a total of 62 applications. City operating licenses were issued to 12 new facilities for a total of 17 facilities operating within the City of Bay City.

Twelve medical and two adult-use expired provisional certificates were rescinded in 2021. Two provisioning centers licensed for both medical and adult-use marihuana chose not to renew their medical marihuana city operating licenses but retained adult-use licenses.

At staff's recommendation, due to requests to increase the number of available grower licenses from marihuana facility applicants, the City Commission passed a resolution to decrease the capped number of allowed medical and adult-use Class A and Class B Grower licenses in the city from 25 each to 10 each. Both medical and adult-use Class C Grower licenses were increased from 25 each to 55 each, while adult-use Excess Grower licenses were increased from five to 15.

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(12) New Marihuana Facilities Opened in 2021 for a Total of (17)

Address	Type of Facility	License Type(s)
Opened in 2021		
<i>1707 Marquette</i>	Medical	Grower
<i>2 Johnson Ct.</i>	Medical & Adult-Use	Grower/Processor
<i>1401 N. Johnson</i>	Medical	Grower
<i>405 Morton St.</i>	Medical & Adult-Use	Grower
<i>901 Cass Ave.</i>	Medical & Adult-Use	Provisioning Center & Retailer
<i>816 Washington Ave.</i>	Medical & Adult-Use	Provisioning Center & Retailer
<i>215 S. Linn St.</i>	Medical & Adult-Use	Provisioning Center & Retailer (<i>licensed but not open as of 12/31/2021</i>)
<i>412 Washington</i>	Medical & Adult-Use	Provisioning Center & Retailer
<i>208 Center Ave.</i>	Medical & Adult-Use	Provisioning Center & Retailer
<i>800 Broadway</i>	Adult-Use	Retailer
<i>300 Center</i>	Adult-Use	Retailer
<i>1321 N. Sherman St.</i>	Medical & Adult-Use	Retailer (did not renew medical for 2022)
Opened in 2020		
<i>4330 Wilder Rd</i>	Medical & Adult Use	Retailer (did not renew medical for 2022)
<i>200 13th Street</i>	Medical & Adult Use	Secured Transporter
<i>333 Morton Street</i>	Medical & Adult-Use	Grower
<i>3772 Wilder Rd</i>	Medical & Adult Use	Provisioning Center & Retailer
<i>3976 Wilder Rd</i>	Medical & Adult Use	Provisioning Center & Retailer

Marihuana License Applications:

- (111) *Current Number of City Operating Licenses Issued or Pending*
- (32) *Total Number of Rescinded Provisional Certificates*
- (14) *Provisional Certificates Rescinded in 2021*
- (2) *City Operating Licenses Abandoned in 2021 (Medical Provisioning)*

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(62) Marihuana License Applications Received in 2021

Capped Number of Allowed License Types	Medical Received	Adult-Use Recieved	Total Received for 2021	Current Total Issued or Pending
<i>(15) Excess Grower</i> (Adult-Use Only)	X	10	10	10
<i>(10) Grower – Class A</i>	0	0	0	2
<i>(10) Grower – Class B</i>	0	0	0	0
<i>(55) Grower – Class C</i>	8	22	30	49
<i>(25) Microbusiness</i> (Adult-Use Only)	X	0	0	0
<i>(25) Processor</i>	0	4	4	7
<i>(50) Provisioning Center</i> (Medical)	6	X	6	21
<i>(50) Retailer</i> (Adult-Use)	X	12	12	20
<i>(25) Safety Compliance</i>	0	0	0	0
<i>(25) Secured Transporter</i>	0	0	0	2
Total Received	14	48	62	111