

PLANNING & ZONING DEPARTMENT

2022 ANNUAL REPORT

Terry Moulthane, AICP, Planning & Zoning Manager

Anthony Dier, Community Development Planner / Historic Preservation Officer

Lisa Griffiths, 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.

Other Departmental 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 inquiries; process and review of all license application types and renewals.
3. Review site plans and building permits for compliance with applicable zoning ordinances and laws.
4. Issue fence permits.
5. Review infrastructure plans to ensure that appropriate development/design standards are consistent with the City's Master Plan and existing land use.
6. Provide technical assistance and information to City boards and committees, other City staff and the public.
7. Conduct planning studies regarding community development, transportation, housing, infrastructure, land use, and historic issues as necessary.
8. Perform searches of relevant records within planning and zoning to gather specific information for FOIA requests by the public.



PLANNING & ZONING DEPARTMENT

2022 ANNUAL REPORT

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)

PLANNING & ZONING DEPARTMENT

2022 ANNUAL REPORT

PLANNING COMMISSION:

Members

Lori Dufresne – President

Robert Shea

Ashley Dardas

Daniel Matthews (Appointed January 2019 / Resigned September 2022)

Douglas Rise – Vice-President

James Reaume – Secretary

Shelley Niedzwiecki

The Planning Commission activities for 2022 included the following:

Zoning Ordinance

Due to the Covid Pandemic and delays, the new city zoning ordinance and map project was not completed and adopted in 2022 as anticipated. Public participation in the process will begin in 2023 with the anticipated adoption date being before the end of the 2022/2023 fiscal year.

Marihuana

The Planning Commission reviews site plans for new construction activities as needed and makes recommendations for zoning ordinance amendments that supports the marihuanan ordinances.

Training

Shelley Niedzwiecki took advantage of online training through the Michigan Association of Planning. Anthony Dier attended the Michigan Historic Preservation Network Conference, Terry Moulthane attended the American Planning Association Spring Institute, and both of them attended the Michigan Association of Planning's 2022 Annual Conference.

Planning Commission Review Cases:

(1) Site Plan Review and (2) Public Hearing Special Use Cases

Project Type	Location	Description	Recommendation to Legislative Body	Approved
<i>Site Plan Review</i>	900 Harrison St.	New construction for administrative building, warehouse and technical center.	N/A	Yes
<i>Special Use</i>	3229 N. Water St.	Construction of a natural gas regulator station	N/A	Yes

PLANNING & ZONING DEPARTMENT

2022 ANNUAL REPORT

Project Type	Location	Description	Recommendation to Legislative Body	Approved
<i>Public Hearing/Site Plan Review</i>				
<i>Special Use Public Hearing/Site Plan Review</i>	1919 Columbus Ave.	Construction of a natural gas regulator station	N/A	Yes

Administrative Review Cases:

(12) Total Cases Reviewed by Staff:

Type of Project	Number Approved
<i>Cell Tower Colocations</i>	8
<i>Construction under 3000 sq. ft.</i>	1
<i>Reconstruction of Existing Gas Regulator Station</i>	1
<i>Temporary Retail Structure (Tent)</i>	1
<i>Temporary Meeting Structure (Tent)</i>	1
<i>Sidewalk Cafes</i>	All submitted

ZONING BOARD OF APPEALS/SIGN BOARD OF APPEALS:

Regular Members

William Darbee, Chair
 Jan Rise, Vice-Chair
 Christopher Greenleaf
 Lonnie Dowd, Secretary
 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.

PLANNING & ZONING DEPARTMENT

2022 ANNUAL REPORT

Training

No trainings were attended by members of the Zoning Board of Appeals.

Public Hearings for 2022

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.

(9) ZBA Cases Reviewed:

Address	Type of Request	Approved/Denied?
615 S. Farragut	Use variance	Denied
615 S. Farragut	Expansion of nonconforming use	Denied
321 S. Farragut	Use variance	Approved w/ conditions
1100 Livingston	Fence variance	Approved
208 N. Linn	Parking and setback variance	Tabled, withdrawn
N. Dewitt St. (19 addresses)	Fence variance	Approved
603 Park	Fence variance	Approved
1151 Evergreen	Setback, parking lot surface material	Approved
900 Harrison	Building height variance	Approved
1518 Michigan	Use variance	Approved w/ conditions

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 seven members.

Mary Ewald-Sayles, Chair

Ashley Meier, Vice Chair

Grace Sayles

Lorelie Doerr

Erica Armstrong

Sarah Kohn

Mechelle Weidner-Hill

Steve Goss (Resigned)

Jill Putt (Resigned)

PLANNING & ZONING DEPARTMENT

2022 ANNUAL REPORT

Historic District Applications Received:

- (39) Historic District Work Review Applications Reviewed
- (8) HPO Applications Reviewed
- (44) Certificates of Appropriateness Issued
- (3) Notices to Proceed with Demolition Issued

Type of Project	Number Approved
<i>Architectural Elements</i>	7
<i>Awning/Canopy</i>	1
<i>Chimney</i>	0
<i>Deck</i>	2
<i>Demolition</i>	3
<i>Doors</i>	8
<i>Driveway</i>	0
<i>Garage Doors</i>	0
<i>Gutters/Downspouts</i>	4
<i>Lighting</i>	1
<i>Masonry Work</i>	3
<i>New Construction</i>	7
<i>Porch (front, side, rear)</i>	6
<i>Roof Work</i>	6
<i>Siding Replacement</i>	5
<i>Solar Panels</i>	1
<i>Stairs</i>	1
<i>Storefront</i>	2
<i>Windows</i>	17

Training

Staff attended the 2022 Michigan Historic Preservation Network Annual Conference in May in Holly, MI.

PLANNING & ZONING DEPARTMENT

2022 ANNUAL REPORT

MEDICAL & ADULT-USE MARIHUANA LICENSE APPLICATIONS:

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

During 2022, Planning & Zoning Department received applications for (10) medical and (26) adult-use recreational marihuana licenses for a total of (36) applications. Four facility locations closed and city operating licenses were issued to (8) new facilities for a total of (20) facilities operating within the City of Bay City: (13) Provisioning Centers/Retailers, (6) Growers and (1) Grower/Processor.

(8) New Marihuana Facilities Opened in 2022 / (4) Existing Facilities Closed

Address	Type of Facility	License Type(s)
Opened in 2022		
408 E. John St.	Adult-Use	Retailer
512 Saginaw St.	Adult-Use	Retailer
606 3 rd St.	Medical	Provisioning Center (Retailer Lic Pending)
1525 Broadway St.	Adult-Use	Retailer
712 Washington St.	Adult-Use	Retailer
1205 Washington St.	Medical & Adult-Use	Provisioning Center & Retailer
1705 Marquette Ave.	Adult-Use	Grower
1701 Marrquette Ave.	Adult-Use	Grower
Opened in 2021		
1709 Marquette Ave.	Medical	Grower
2 Johnson Ct.	Medical & Adult-Use	Grower/Processor
1401 N. Johnson St.	Medical	Grower
405 Morton St.	Medical & Adult-Use	Grower
901 Cass Ave.	Medical & Adult-Use	Provisioning Center & Retailer
816 Washington Ave.	Medical & Adult-Use	Provisioning Center & Retailer
412 Washington St.	Medical & Adult-Use	Provisioning Center & Retailer
208 Center Ave. (closed 2022)	Medical & Adult-Use	Provisioning Center & Retailer
800 Broadway St.	Adult-Use	Retailer
300 Center Ave. (closed 2022)	Adult-Use	Retailer
1321 N. Sherman St.	Medical & Adult-Use	Retailer (did not renew medical for 2022)

PLANNING & ZONING DEPARTMENT

2022 ANNUAL REPORT

Address	Type of Facility	License Type(s)
Opened in 2020		
4330 Wilder Rd. (closed 2022)	Medical & Adult Use	Retailer
200 13 th Street (closed 2022)	Medical & Adult Use	Secured Transporter
333 Morton Street	Medical & Adult-Use	Grower
3772 Wilder Rd	Medical & Adult Use	Retailer (did not renew medical for 2022)
3976 Wilder Rd	Medical & Adult Use	Provisioning Center & Retailer

Marihuana License Applications:

- (18) Expired or Surrendered Provisional Certificates Rescinded in 2022
- (8) Incomplete and/or Abandoned Applications Rejected or Denied in 2022

(36) Marihuana License Applications Received in 2022

Capped Number of Allowed License Types	Medical Received	Adult-Use Received	Total Received for 2022
(15) Excess Grower (Adult-Use Only)	X	4	4
(10) Grower – Class A	0	0	0
(10) Grower – Class B	0	0	0
(55) Grower – Class C	6	8	14
(25) Microbusiness (Adult-Use Only)	X	1	1
(25) Processor	1	2	3
(50) Provisioning Center (Medical)	3	X	3
(50) Retailer (Adult-Use)	X	11	11
(25) Safety Compliance	0	0	0
(25) Secured Transporter	0	0	0
Total Received	10	26	36