



**Planning Commission Minutes of Meeting
City Commission Chambers, City Hall**

CALL TO ORDER & ROLL CALL:

A regular meeting of the Bay City Planning Commission was called to order by President Douglas Rise, at 6:33 p.m.

- PRESENT: Douglas Rise, Ashley Meier, Dennis Banaszak Sheila Turbett, Whitney Anderson, Michael Berne.
- EXCUSED: None.
- ABSENT: Timothy Beckman.
- OTHERS: Staff Liaison Terry Moulthane, Planning Manager; Lisa Griffiths, Planning Administrative Assistant.

APPROVAL OF MINUTES:

Motion made by S. Turbett and seconded by D. Banaszak to approve the meeting minutes for December 17, 2025, corrected to indicate Ashley Meier as being excused instead of absent. Motion passed unanimously.

PUBLIC COMMENT - NON-AGENDA ITEMS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

A. Case SU 26-01 – Special Use - 500 Salzburg Avenue – Neil Spencer

Neil P. Spencer is requesting special use approval and site plan review for the construction of an off-street parking area. The lot contains split zoning that includes R-1, Single Family Residential with 60 feet in width on S. Chilson Street, and C-2-A, General Business being 120 in depth on Salzburg Avenue. The proposed off-street parking area will be created in the R-1 zoning district. Section 122-102 - Permitted Uses and Structures of the City Code of Ordinances permits parking for nonresidential uses located in adjoining residential zoning districts with special use approval by the Planning Commission.

Representative(s) Present: Neil Spencer

Public Hearing:

Motion to open public hearing made by D. Banaszak, seconded by M. Berne. Motion passed unanimously.

T. Moulthane stated it was for an existing three-story brick building with split zoning (R1 single-family residential and C-2-A general business). The plan is to develop multi-family units on the upper two floors and maintain commercial space on the ground floor. The proposed off-street parking area will be created in the R1 residential district while C-2-A zoning exempts off-street parking requirements.

T. Moulane explained he had received all departmental reviews except for the City Engineer's, and it was important to receive her input. Regardless, a permit would be required for work done for any of the driveways.

Mr. Spencer came forward. He reiterated T. Moulane, stating his intention for the building and parking lot.

A significant point of contention was the existing gravel drive on the west side of the property, used by an adjacent business and for through-traffic between Chilson and Warner streets. D. Banaszak suggested fencing off the drive from Salzburg Avenue and along the property line to prevent through-traffic, citing congestion and safety concerns.

Mr. Spencer was concerned about landlocking neighbors and impeding trash truck access. He wondered if there was a specific fence ordinance requiring the fence to block the alleyway. D. Banaszak explained the commission was allowed to make anything as part of a condition for special use approval.

Mr. Spencer thought it was a bit of a reach to limit access with the drive between the buildings from Salzburg based on potential traffic issues. He thought it would be up to the city to develop a study as to why that specific curb cut from Salzburg was constructed when improvements to the street were made. D. Banaszak responded, stating that the street was under the jurisdiction of MDOT (Michigan Department of Transportation). T. Moulane confirmed.

Lengthy discussion ensued. D. Banaszak was not happy with the cross-traffic issue. He thought Mr. Spencer would want to have the fence just to keep people from accessing the other properties by going through his parking lot. Mr. Spencer struggled to see the justification behind putting a fence up.

T. Moulane clarified zoning requirements for screening between residential and commercial properties (five-foot green belt or fence). Screening is required on the west, where the two residential properties are; there is a choice of either making a five-foot green belt or constructing a fence. A fence would need to run south to the edge of the parking lot, or there needs to be a five-foot green belt separation.

T. Moulane noted that MDOT had not been consulted as he did not think access would be changing in any way. He had thought the drive was a dead end, with access being provided off Chilson Street. He further explained Salzburg Ave had been rebuilt and access had still been allowed directly to the west on that property. Officially the two properties would need to have screening because a five-foot green belt isn't being provided, but it is still part of the parking lot.

Mr. Spencer stated he was planning to erect a fence along the north lot line to meet the screening requirement in addition to the west lot line that abuts up to the two residential properties to his west, however, he hadn't submitted the revisions since receiving the staff report himself.

At D. Rise's request for clarification, Mr. Spencer confirmed the graveled area shown is his property, and that he planned to provide graveling for the neighbor's convenience for access to the rear of his property. He was, however, concerned about the placement of the dumpster with

the setback requirements. Moving it to comply with the setbacks would limit the ability of a dump truck to empty the dumpster.

Brief discussion took place between T. Moulane and Mr. Spencer. If a solution cannot be found, Mr. Spencer could request a variance from the setbacks. T. Moulane suggested the truck could enter straight in on Chilson, and then straight back into the north for a bit to get out or just circle around. Mr. Spencer felt it was achievable but would lose a parking space with that scenario.

D. Rise inquired about the structure on the east elevation of the building. Mr. Spencer explained he thought it was a secondary egress for fire escape at one time. It is in great disrepair and will be removed. A new secondary egress is planned within the footprint of the building.

T. Moulane thought there would be exterior access requirements for fire safety. Mr. Spencer explained two stairwells will come in off the north and south side of the building. A secondary stairwell will be located approximately where there is currently an atrium through the center of the building from the ground floor all the way up to the roof of the building.

D. Rise wondered how large the 12 units were going to be. Mr. Spencer answered:

- 25'x25' two-bedroom, two-bath unit (four units per floor)
- 25'x18' one-bedroom, two-bath unit (two units per floor)

Mr. Spencer responded to D. Banaszak regarding having only 20 parking spaces when 22 were required for multi-family. He stated parking calculations were exempt in the C-2-A and that he was providing parking out of kindness for his tenants. T. Moulane confirmed Mr. Spencer was correct.

A. Meier inquired for clarification purposes if the fence on the west side was required with the property being commercial. T. Moulane consulted the zoning ordinance, confirming either a fence or green belt would be required.

Lengthy discussion took place regarding the fence, its location, and how it would affect the alley access drive.

T. Moulane stated he would have to see the fencing that Mr. Spencer claimed was existing. Mr. Spencer said the fence to the west was relatively new 6-ft dog ear fencing. He would like to have one continuous look throughout but would comply with specifications required by the city for screening.

Mr. Spencer stated his proposed fence line would come from his northwest corner down to what would be the southeast corner of the neighboring residential parcel on his west lot line where the green stops in his drawing on page seven. If that fence extended two and a half feet further past to the south, he felt it would meet the setback and screening requirement from the parking area between commercial and residential. T. Moulane concurred but stated he would need to look at the dimensions.

A. Meier thought maybe it would make sense to move the trash over to the alley access drive. Mr. Spencer would like to but was concerned with traffic and the truck having to back out blindly onto the street.

Questions were raised if the gravel alley access drive would be required to be paved if used for dumpster access or if vehicles were to park in it. Lengthy discussion ensued regarding whether the access drive would need to be paved. D. Banaszak felt if it was an access drive to the parking area then it would need to be paved as part of the development. T. Moulane concurred. He said he would also want to get MDOT's review on that.

In response to D. Rise and S. Turbett, Mr. Spencer confirmed HMA stood for hot mixed asphalt as shown on his site plan, and that the access drive between the buildings was currently gravel.

T. Moulane wondered if the two handicapped spaces could be moved parallel to the back of the building to free up space for a dumpster. Mr. Spencer stated he had originally thought of that, but the dumpster is not able to be in the front or side yard setbacks according to the zoning ordinance.

Public Comment:

D. Rise called for public comment. Each person shall have 5 minutes, timed by S. Turbett.

In attendance:

1. Ronda Luby, 1904 S. Chilson St, Bay City, MI

Ms. Luby stated she had multiple health issues along with difficulty walking, especially over uneven ground. A handicap ramp has been erected that leads out to the driveway. She has been living there since 2001 and was told by the previous owner that the driveway on the south side of the home was part of her property. No previous owner of 500 Salzburg Ave has ever said anything to her, and she has maintained that portion of the property for 25 years. She was totally surprised to learn the driveway was part of Mr. Spencer's property. Losing the use of the driveway would be a great hardship for her. The plans indicate the parking area would end only two and a half feet from her bedroom window and she hoped Mr. Spencer would allow her to keep using the drive up to the back of her house.

Email had also been received from Ronda Luby which the commission members indicated they had read. Comments made in person by Ms. Luby reiterated her email.

T. Moulane commented that 500 Salzburg Ave and the lot to the south of Ms. Luby's property had been combined and legally assigned to 500 Salzburg Ave. He did not see where any paperwork indicated the lot to the south had belonged to 1904 S. Chilson St.

Brief discussion between Ms. Luby and D. Banaszak took place regarding the maintenance of the property. D. Banaszak did not feel there was a claim for adverse possession.

Motion to close public hearing and begin discussion made by D. Banaszak, seconded by M. Berne. Motion passed unanimously.

In response to D. Banaszak, T. Moulane confirmed the screening fence would be situated from the northwest corner to the south until it hits the property line of the residential property on the west side of the lot.

D. Rise asked for a recap. T. Moulane stated the discussion still pertained to the west property line and how far the required screening should be versus just abutting an adjacent commercial property parking lot. The southwest corner would not be described as part of the parking lot. He stated if he took 24 ft from the center row of parking and came down 24 ft, that could be called the edge of the

parking surface; if he ran a line at 24 ft and went west, there would be empty space that would be paved, but could not be called part of the parking lot.

D. Rise wondered if the fence was to provide a barrier to entry or strictly for screening. T. Moulane replied it was for screening and explained the only standard coming into play for the adjacent commercial property is the required five-foot green belt around the perimeter of an off-street parking area, except for areas not considered part of the parking lot.

T. Moulane noted final findings are necessary for the screening of the parking lot and the access drive from Salzburg between the buildings. He recognized that MDOT did not receive a review for this case stating Salzburg was recently reconstructed and he did not think that the drive would continue serving as an access.

D. Banaszak, T. Moulane, and D. Rise all agreed the access drive to the parking lot should be paved. The dumpster location issue had not been resolved. Without a solution, it may need to go before the ZBA for a variance.

S. Turbett wondered why MDOT should be involved if there is an existing curb cut. T. Moulane explained it was because the use of the building was changing by adding multiple family and commercial elements. However, the reason for special use approval is because of the parking lot in the R-1 zoned portion of the lot.

Mr. Spencer was asked to return to the podium. In response to A. Meier's suggestion regarding a potential solution for the trash and access drive issues, he stated he would place the dumpster back into the side yard. He said he is leaning towards placing the fence between the southwest corner of his building and the southeast corner of the vacuum salesman building closing off the access drive and moving the dumpster to the northwest corner of his building. By doing this, he explained the northwest corner of his parking lot would gain a parking space with a little additional green belt.

There is no entrance into the building off the west side elevation and Mr. Spencer does not know how he would use the resulting dead space between the buildings. He wondered if he would still be required to pave it. In response, D. Banaszak answered it would not need to be paved.

A. Meier did not think a fence across the front between the buildings was required except for what was required for screening the dumpster. Mr. Spencer thought that specific location for the fence would resolve all the issues. D. Banaszak noted screening requirements for the dumpster were a moot point if it was placed behind the building.

Motion

D. Banaszak motioned to approve SU 26-01 based on:

- a) The proposed special use will not impair public health, safety or welfare.
- b) The proposed special use is appropriate for its proposed location and is compatible with the character of surrounding land uses and the uses permitted in the zoning district in which its surrounding property is located.
- c) The proposed special use complies with applicable zoning district regulations.

- d) The proposed special use complies with the applicable standards for specific uses set forth in Article XXI, standards for specific uses.
- e) The location design of the proposed special use minimizes any potential adverse effects of the use on adjacent property by avoiding significant adverse impact related to parking, loading, delivery, storage and service areas, odors, noise, glare, vibration and other potential nuisances.
- f) The location and design of the driveway is safe in relation to streets providing access to the use.
- g) Access to the use is designed to minimize conflicts between vehicles and pedestrians and with traffic using adjacent streets and driveways. Vehicular circulation shall be designed to be safe and convenient.
- h) Off-street parking shall comply with the provisions of Article XVII.
- i) Greenbelts, landscaping and screening are provided in accordance with the regulations of Article XVIII, walls and fences.
City Staff will make sure we get that administrative approval for any landscaping, walls and fences comply with the provisions of Article XIX. The fence along the west property line will be there to screen the residential properties, and a fence shall be erected between the applicant's building and the building to the west, to prevent use of the drive that exists between the two buildings currently.
- j) Signs shall provide or shall comply with provisions of Article XX.
- k) Refuse receptacles are adequately screened from view from the street and from adjoining property.
The trash receptacle shows a five-foot setback so there may be a variance required. We have discussed relocating it. That will be administrative approval for its new location behind the building.
- l) All exterior lighting shall be designed to and installed to comply with the regulations of section 122-60 to result in minimal light trespass onto adjoining property and to avoid interference with division of motorists on adjoining streets.
Once again, that will be administrative approval once a matrix is provided so we can see what the lighting will look like.
- m) Access routes to all building structures and uses are provided for emergency service vehicles and public utilities are available in accordance with the regulations of public utility providers.
Stormwater management will be attended to by the engineer as the Development progresses, you will need to make sure you have your stormwater issues all taken care of because you are adding impervious area to the site.
- n) Public utilities are provided in accordance with the regulations of public utility providers.
Stormwater management shall be consistent with city, state and federal regulations.

And with the following conditions:

1. A fence shall be erected between the buildings out on the Salzburg frontage.
2. The engineering review be given to us; and then also that any type of access permit would be issued by the Engineering Department.

Seconded by S Turbett. Motion passed unanimously.

B. Case SPR 26-01 – Site Plan Review - 3880 Wilder Road – James Coyle obo Breakpoint Bay City LLC

James Coyle, Atwell LLC-Civil Consultant, is requesting site plan review for a 2,824 square foot motor vehicle filling station with a canopy covering four rows of pump islands. Motor vehicle filling stations are a permitted use in the C-2-B Highway Business zoning district.

Representative(s) Present: James Coyle, Atwell, LLC – Civil Consultant

Mr. Coyle explained there weren't any objections to their site plan or layout, and it is permitted use in the zoning district. It was noted that it was a fueling center before it was Rite Aid. They will be maintaining the points of access on Wilder Road as well as Henry Street, and all setbacks for landscape, building, canopy and trash enclosure per the code.

In reply to D. Rise asking about a rebuild now verses the renovation earlier proposed. Mr. Coyle stated Murphy Oil typically has gas stations within Walmart property or parking lots, but it is its own corporate entity. A new Murphy USA building will be constructed, as remodeling the existing Rite Aid building was not deemed operationally or business-wise feasible for the company's prototype. The modular type 2B noncombustible building is typically the building that they put on sites throughout the country.

D. Banaszak noted a discrepancy in the truck type shown for turning radius (WB50 vs actual WB65 gas tanker) but believed it wouldn't significantly impact site circulation. Mr. Coyle stated they typically use WDB50, but if it is a Michigan related issue, he will update it.

In response to D. Rise, T. Moulane confirmed the plan meets all front yard setbacks and parking calculations include 16 fueling positions as parking stalls in addition to the spaces on the lot, providing 35 total spaces and meeting requirements. He stated signage plans had been submitted and were verified to meet city requirements, though a separate sign permit will be required.

A. Meier pointed out the staff report mentioned that the landscaping still needed to be submitted for staff review and verification. T. Moulane said he would like to see if existing landscaping could be kept. He confirmed he could administratively review and approve the landscaping plan.

Mr. Coyle indicated a full landscaping plan will be prepared for administrative review, with the intent of keeping existing parkway trees and rear property screening where possible. A slatted fence with thick landscaping currently exists.

There were no further questions for the applicant.

Motion:

D. Banaszak moved to approve Case SPR 26-01 based on:

- a) The uses proposed comply with applicable zoning district use and dimensional regulations.
- b) All elements of the site plan are harmoniously and efficiently organized in relation to the size, shape and character of the lot, the type and size of proposed buildings, the location and layout of landscaping and off-street parking areas, and the character of uses on adjoining properties.

- c) The location and design of driveways is safe in relation to streets providing access to the site and in relation to pedestrian traffic.
- d) Access to the site is designed to minimize conflicts between vehicles and pedestrians and with traffic using adjacent streets and driveways. Vehicular circulation on the site is designed to be safe and convenient.
- e) Safe and convenient pedestrian and bicycle access and circulation are provided **by the sidewalk out front.**
- f) Off-street parking and loading areas comply with the provisions of article XVII.
- g) Greenbelts, landscaping, and screening are provided in accordance with the regulations of article XVIII.
Screening from adjacent residential uses is not a factor at this site, but you will have to get staff administrative approval for the landscaping when you present the plan.
- h) Walls and fences, if required, are provided in accordance with the regulations of article XIX.
There are no screening requirements because we're not abutting residential.
- i) Signs comply with the provisions of the sign code.
Sign permits will be required.
- j) Refuse receptacles are adequately screened from view from streets and adjoining property in accordance with the regulations of section 122-66.
- k) All exterior lighting (building mounted and free-standing) is designed and installed to comply with the regulations of section 122-59, to result in minimal light trespass onto adjoining property, and to avoid interference with the vision of motorists on adjoining streets.
Canopy lighting can be interesting in these kinds of situations, but administrative approval of lighting once those full site plans or full plans are developed will be forthcoming.
- l) Access routes to all buildings, structures and uses are provided for emergency services vehicles.
- m) Public utilities are provided in accordance with the regulations of public utility providers. Storm water management is consistent with city, state, and federal regulations.
Stormwater management is an issue for the city engineer looking at the site and understanding that the impervious area is probably going to be close to what it is currently. There shouldn't be any stormwater requirements, but if there are through the engineer, they must be met.

Department review and comments in part three must be met. Part three is approval subject to a full site plan review based on a complete set of sealed construction drawings; and sign permits will be required.

PART III	DEPARTMENTAL REVIEW
Building Code	Approved subject to a full plan review based on a complete set of sealed construction drawings.
Engineering	Approved subject to a Stormwater Management Permit and right of way permits obtained.

PART III	DEPARTMENTAL REVIEW
Bay Co. Road Commission	The submitted site plan is very similar to the previous gas station configuration located at this intersection, in this quadrant (SW) prior to the construction of Rite-Aid (pre-1995, Forward's, Inc.). The access off Wilder Road is the same. In 2015, an Access Management Plan for Wilder Road was completed, with the only notation at this location was the pursuit of a cross connection with McDonald's (along southern property line). Prior to Rite-Aid being constructed, a cross-connection existed. We know this was a point of contention back then, why, we don't remember, but the connection was severed when Rite-Aid was built. The BCRC has no objection to commercial access as presented.
Electric	Will need to see electrical plans to make sure transformer is sized properly.
Fire Marshall	Approved.
Sewer	Approved.
Wastewater Treatment	N/A
Water	The 4" water service is running into the building at the East side of where the fuel pumps are going. See the GIS snapshot I sent with this form. Approved with conditions. Sheet 3 shows the water line being moved.

Seconded by W. Anderson. Motion passed unanimously.

Commission Decision:

The motion to approve SPR 2601 was passed with the following conditions:

1. Staff administrative approval for the landscaping plan.
2. Administrative approval of lighting.
3. Stormwater management needs to be addressed by the engineer if required (due to impervious area changes).
4. Sign permits will be required.

OTHER BUSINESS:

Staff Updates:

- Change of Date to February 18th Zoning Ordinance Amendment Review: Joe Tangari, AICP from Giffels Webster with discussion on sections prepared for review. Mr. Tangari hadn't thought he would be able to meet in January and had stated he would be here in February.
- There are two cases for February:
 - Bay City Housing Commission project on Columbus Avenue.
 - Marquette Street with an addition to an existing building.
- 2025 Annual Report: T. Moulthane explained it was a detailed report that is a synopsis of what has transpired in the past year and should be ready for the February 18th meeting. He

described the sections included in the report. He explained last year was the first time information was specifically added about the redevelopment ready community. Work is still in progress, but Capital Certified designation will soon be attained.

Discussion took place. Suggestions were made by the commissioners as to what could be added to the report, such as zoning violations and any annual review or edits to the City Master Plan. A. Meier suggested bi-annual discussions on the master plan.

BUSINESS NOT ON THE AGENDA:

- Commissioners discussed data centers at great length. D. Rise shared that the City Commission had voted to approve a resolution that was introduced by Mayor Girard regarding data centers and making provisions in the zoning ordinance for them. A study was requested by the City Commission. T. Moulane stated the resolution had been forwarded to Giffels Webster for a quote and their contract with the City could potentially be amended to include the study though nothing was official.
- A. Meier announced she may not be in attendance for the February 18th meeting.
- A suggestion was made to schedule a special meeting for the draft zoning ordinance review with Giffels Webster. A. Meier wondered if it could wait until March. T. Moulane felt it should be sooner, but he would need to work on some dates.
- S. Turbett inquired about the status of the Planning Commission appointments. T. Moulane reported the city manager had stated she would try to get the appointments done for the next city commission meeting. Both S. Turbett and A. Meier said they had submitted their applications for reappointment. D. Rise stated they would serve until replaced.
- City Commissioner Laura Kubit, new liaison to the Planning Commission, introduced herself. She plans to attend meetings regularly. Discussion took place between staff and the commissioners regarding liaisons and their roles.
- T. Moulane reported for the 500 Salzburg case he sent Ms. Luby's email to Neil Spencer before the meeting and then called him for his opinion. Mr. Spencer's opinion was that he had purchased private property from the land bank and understood the dilemma but really didn't offer an immediate solution prior to the meeting. Discussion ensued regarding Ms. Luby's situation.

ADJOURN:

Motion to adjourn made by D. Banaszak, seconded by S. Turbett. Meeting adjourned at 8:42 p.m.

Prepared by Lisa Griffiths, Planning & Zoning Administrative Assistant