

- AGENDA -

REGULAR MEETING OF THE WEST BRANCH PLANNING COMMISSION TO BE HELD AT THE WEST BRANCH CITY HALL, 121 N. FOURTH ST. ON TUESDAY, AUGUST 10, 2021, BEGINNING AT 6:00 PM

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance.
- IV. Public Hearings
- V. Additions to the Agenda
- VI. Public Comment – Agenda Items Only – 3 Minute Limit (general rule)
- VII. Approval of Minutes from March 9, 2021 and June 8, 2021
- VIII. Site Plan review
  - A. Rang storage building
- IX. Sign Permit
- X. Unfinished Business
- XI. New Business
  - A. Marijuana zoning discussion
- XII. Communications
  - A. Kara Fachting resignation
  - B. MAP training
- XIII. Reports and/or comments
  - A. Chairperson Report
  - B. Member reports
- XIV. Public Comment – Any Topic – 3 Minute Limit (general rule)
- XV. Adjournment

**Call to Order**

**Roll Call**

**Pledge of  
Allegiance**

# Public Hearings

# **Additions to the Agenda**

# **Public Comment -Agenda Items**

# **Approval of Minutes**

City of West Branch Planning Commission

Meeting Minutes for March 9, 2021

Meeting called to order at 6:12pm by Vice Chairman David

Roll Call – Present – Bob David, Tiffany Schmieder-Kups, Yvonne DeRosio, Rusty Showalter, and Kara Fachting

Absent – Cori Lucynski and Mike Jackson

West Branch City Manager, John Dantzer, was also present

Pledge of Allegiance

Public Hearings – None

Additions to Agenda – None

Public Comment – None

Approval of Minutes – A motion was made by Rusty Showalter, second by Yvonne DeRosio to approve the minutes from the meetings held January 12, February 1, and February 9. Ayes -All

Site Plans – None

Sign Permits – None

Unfinished Business – A motion was made by Bob David, second by Rusty Showalter, to postpone the Master Plan discussion to the next meeting. Ayes - All

New Business – None

Communications –

- A. MAPS Training – Scheduled for March 23 and April 27, both at 6:00 pm at City Hall.
- B. Meetings- An update was provided on in person meetings, noting they can now be held in person.

Chairman Report – None

Member Reports – None

Public Comment - None

Meeting was adjourned at 6:22pm per Vice Chairman David

Meeting minutes taken by Kara Fachting

REGULAR MEETING OF THE WEST BRANCH PLANNING COMMISSION HELD VIRTUALLY AND IN PERSON  
IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET, ON TUESDAY, JUNE 8, 2021.

Chairperson Cori Lucynski called the meeting to order at 6:00 p.m.

Present: Bob David, Yvonne DeRoso, Mike Jackson, Cori Lucynski, and Rusty Showalter

Absent: Kara Fachting

Others officers in attendance: City Manager John Dantzer.

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All stood for the Pledge of Allegiance.

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**MOTION BY DEROSO, SECOND BY SHOWALTER, TO APPROVE THE MINUTES FROM THE  
REGULAR MEETING HELD MAY 11, 2021.**

Yes — David, DeRoso, Jackson, Lucynski, Showalter

No — None

Absent — Fachting

Motion carried

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Vicki Thomas of Cottage Vision Design presented her permit for a flag style sign in front of her business. It was noted that because it is a flag style banner it would need to be approved by the Commission.

Member David asked if the sign would be brought in at night and Ms. Thomas noted it would only be put out when the business is open.

Member Showalter noted his concern for the aesthetics downtown with multiple flag style banners.

City Manager Dantzer note his concern that the free-standing base may not be strong enough to keep it in place. Ms. Thomas noted they were aware of the wind issues and spent extra to get the base recommended by the manufacturing company for that type of application.

Member DeRoso noted she would like to relook at allowing these types of signs once Houghton Ave is redone.

Member Showalter noted he would like to look at having blade signs for all downtown businesses. It was discussed to see if DDA would look into helping fund these types of signs.

**MOTION BY JACKSON, SECOND BY SHOWALTER, TO APPROVE THE SIGN PERMIT FOR COTTAGE  
VISION DESIGN AS SUBMITTED.**

Yes — David, DeRoso, Jackson, Lucynski, Showalter



**No – None**

**Absent – Fachting**

**Motion carried**

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A sign permit was presented for Loggers Depot. It was again noted that because it was a flag style banner, it needed to be approved by the Commission. It was further noted that they had one approved last year as well and that it was just going to continue what they already had in place,

**MOTION BY DEROSO, SECOND BY JACKSON, TO APPROVE THE SIGN PERMIT FOR LOGGERS DEPOT AS SUBMITTED.**

**Yes — David, DeRoso, Jackson, Lucynski, Showalter**

**No – None**

**Absent – Fachting**

**Motion carried**

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A zoning approval request was submitted on behalf of Cuzins Cycle in order to get their used vehicle dealer license. It was noted that this was previously approved but because of a break up of ownership, it had to be resubmitted in the new ownership name.

Chairperson Lucynski noted she would need to recuse herself from the vote due to a conflict of interest as she is part owner in Cuzins Cycle.

Due to Chairman Lucynski recusing herself, Member David took over as Vice Chair.

**MOTION BY JACKSON, SECOND BY SHOWALTER, TO APPROVE THE ZONING APPROVAL AND AUTHORIZE MANAGER DANTZER TO SIGN THE APPROVAL AS THE ZONING ADMINISTRATOR.**

**Yes — David, DeRoso, Jackson, Showalter**

**No – None**

**Abstain-Lucynski**

**Absent – Fachting**

**Motion carried**

With the vote being completed, member Lucynski took back the role of Chairperson.

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**MOTION BY DAVID, SECOND BY SHOWALTER, TO APPROVE THE RECOMMENDATION OF JOSH ERICKSON TO COUNCIL TO FILL THE OPEN SEAT ON THE PLANNING COMMISSION.**

**Yes — David, DeRoso, Jackson, Lucynski, Showalter**

**No – None**

**Absent – Fachting**

**Motion carried**

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Chairperson Lucynski noted that Member Fachting would be shortly submitting her letter of resignation.

Chairperson Lucynski also noted that Cuzins Cycle would be having a grand reopening on Saturday, June 12. It was noted that this was the also the weekend of the garage sales and it was discussed that it would be nice to see downtown events that weekend including sidewalk sales. Chairperson Lucynski also noted that COVID numbers were on a downward trend. Chairperson Lucynski also noted her concern that many of the downtown businesses all close on Mondays.

Member David noted his disappointment the Memorial Day parade was cancelled but commended the ceremony at the memorial.

Member David also noted the Optimist kids fishing derby was not as heavily attended this year.

Member Jackson also commented on how nice the Memorial Day ceremony was.

Member Jackson also noted the Meijer's construction was coming along and still had an anticipated completion of spring of 22.

Member DeRoso noted real estate sales are continuing to be very busy and went over some of the local deals she has been working on including some new duplexes throughout town.

Member Showalter commended the DPW for how nice the park looks and how marvelous the downtown flowers are this year.

Manager Dantzer asked about the upcoming cannabis informational meeting.

Manager Dantzer asked about virtual meetings moving forward and it was the consensus to hold all meetings in person only.

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Meeting was adjourned at 7:05 pm

# **Site Plan Review**



121 North Fourth Street, West Branch, Michigan 48661  
Phone 989-345-0500, Fax 989-345-4390, e-mail [citymanager@westbranch.com](mailto:citymanager@westbranch.com)  
The City of West Branch is an equal opportunity provider, employer, and lender

## **ZONING AND USE PERMIT APPLICATION**

Applicant: Contractor ☒ Homeowner ☒

Property Owner: Entity to be formed, Brian Rang

Mailing address: 4001 N. Ehlers Rd, Midland, MI 48642

Phone Number: 989-615-5787 Property ID # \_\_\_\_\_

Project Address: 1797 S. First St. West Branch, MI 48661

Contractor Name: Self

Contractor Address: Self

Contractor Phone: Self

Use Self-Storage

Type of Improvement Other

Dimensions: (skip this section if it is just a use permit)

Length 200 Width 40 Height 12

Setbacks:

Front 45 Rear 25 Sides 25

Applicant Signature:  Date: 8-5-21

(See reverse for site plan sketch area)

See attached sketch for proposed development of the subject property. Below is a summary of improvements to be made:

- Entire property will be re-graded to clear trees and level the property.
- Existing driveway off at the north property line will be moved approximately 135' feet to the south to be more centrally located.
- Existing 6ft chain link fencing mid-property will be removed and new 6ft chain link fencing will be installed in phases. Frontage (west side) fencing will be installed 20' off the road with a 20' motorized gate. Chain link fencing on the north and south property lines will be installed 1ft off the surveyed property line and will be installed to existing physical barriers (trees). Once property has been further built out the fencing will be installed on the remainder of the north, south, and east property lines, 1 ft off the surveyed property line.
- a 4'x8' wood framed and up-lit sign will be installed along the front of the property. It will be perpendicular to the road and set further back than existing signage.
- Buildings will be built out in phases as material costs and lease up allow. All proposed buildings will maintain 25' in distance from one another and the fencing with only the southern and northern buildings being roughly 24' from the fence. Please see the attached sketch for planned phased build out of the proposed buildings.

Please include: Roads, sidewalks, setbacks and distance from current structures.

**\*\*Applicant is required to contact Miss Dig at 811**

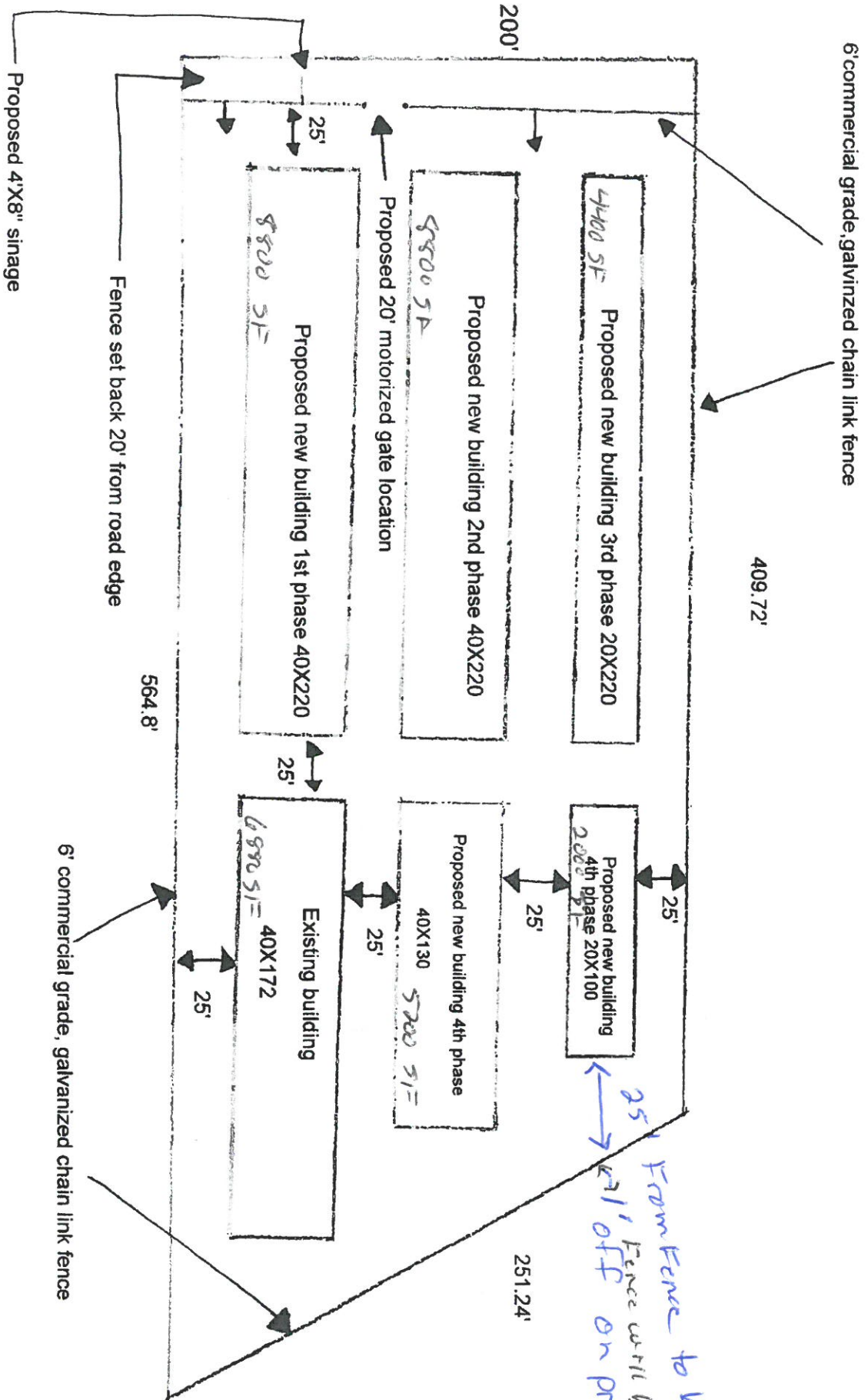
Staff Action: Date\_\_\_\_\_ Approved\_\_\_\_\_ Denied\_\_\_\_\_ Signature\_\_\_\_\_

**Permit No.**\_\_\_\_\_

Application fee (\$25.00 for residential, \$50 for commercial) - PAID\_\_\_\_\_ NOT PAID\_\_\_\_\_

S:\Forms -8-27-20

S. First St



Survey will be completed before construction.

100' Road Right-of-way

## Zoning Administrator review

The zoning permit is for the storage buildings located at 1797 S. First St. Mr. Rang has just purchased the property and would like to expand it to create more storage buildings and possibly some outside storage area. During our last zoning rewrite, we changed the zoning in this area to multi-family residential area. Storage buildings are not allowed by right or special use in that district which in turn created this as a nonconforming use. Section 3.27 (F) of the zoning ordinance deals with nonconforming uses as noted below.

### F. Nonconforming Uses.

#### 1. Expansion of Nonconforming Use.

- a. A nonconforming use may be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance. Setbacks of the district shall be adhered to.
- b. A nonconforming use may be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance. Setbacks of the district shall be adhered to.
- c. A building which is used for a nonconforming use may be expanded. If the structure is also nonconforming, subsection E.1 above applies.
- d. The Planning Commission is the body responsible for reviewing and deciding upon the expansion of a Nonconforming Use.

As noted for the expansion of a nonconforming use, it is allowed but setbacks of that district should be adhered to and approval of the expansion is held by the Planning Commission.

The lot and structure standards for the multi family district is below in table 4.5

**Table 4.5**

1. Lot & Structure Standards		
a. Lot Area (min.)	7,200 sq ft	
b. Lot Width (min.)	60 ft	
c. Building Height (max.)	45 ft	
d. Dwelling Unit Size (min.)	600 sq ft	The Planning Commission shall have the authority to approve dwelling units less than the minimum dwelling unit size and/or dimension. No public hearing shall be required.
e. Dwelling Unit Dimension (min.)	24 ft	



f. Lot Coverage of Structures (max.)	60%	
2. Setbacks		
	Multiple-Family Dwellings	All Other Uses (Single-Family Detached and Attached, Duplex, Non-Residential)
a. Front (min.)	30 ft	15 ft
b. Rear (min.)	30 ft	15 ft
c. Side (min.)	15 ft	8 ft
d. Side - street - corner lot (min.)	25 ft	15 ft
3. Additional Development Standards		
a. Accessory Buildings	Regulated by §3.10.	
b. Screening/Buffering	When a non-residential use abuts a residential use or district, screening is required per §3.20.	
c. Fences	Regulated by §3.19.	
h. Permitted Yard Encroachments	Regulated by §3.24.	
d. Permitted Height Exceptions	Regulated by §3.25.	
e. Green Zoning	Regulated by §3.37.	
f. Dwelling Regulations	Regulated by §3.9.	

The setbacks requirements for this property would be in the second set of highlighted distances which are under all other uses since it is going to be nonresidential. The front and rear setbacks are 15' and the side setbacks are 8'. The road right of way for that road is 66' meaning the closest a building could be is 48' (33+15) from the center of the road.

The proposed setbacks of the new buildings are 45' in the front, 25 on each side, and 25 in the rear. The side and reach setbacks are fine but front setback is closer than allowed. We will need to make note to approve the site plan with a front building setback 48' from the center of the road so he can adjust his plan accordingly.

The building height are all single story which meets the structure standards

The lot coverage percentage is 37% (36,080 sf of building with 97,500 sf of land) which meets the standards.

The additional standard that applies to this is fences because he will have fencing that completely encloses the buildings. The fencing section is 3.19 in the ordinance.

**Section 3.19 (A)(8) Setbacks.** Fences and walls shall be located outside of the road right-of-way and shall be located at least one (1') foot inside all property lines. On a reversed corner lot, a fence over four (4') feet in height but no greater than six (6') feet in height shall be no closer to the streetside lot line than the front yard setback line of the lot to the rear (see diagram).



**A. Fence & Wall Standards.**

	Residential Lots	Non-Residential Lots
Front Yard	Fences may be up to four (4') feet high.	
	Fences higher than four (4') feet shall not extend beyond the front of the principal building.	
Side Yard	Fences may be up to six (6') feet high.	Fences may be up to eight (8') feet high.
Rear Yard	Fences may be up to six (6') feet high.	Fences may be up to eight (8') feet high.
Through Lots	Front yard fence standards shall be observed along both street frontages. Front yard fences shall be no higher than four (4') feet. Fences higher than four (4') may not extend beyond the front of the principal building or, if no principal building exists, the front yard setback. A fence over four (4') feet (but no greater than six (6') feet on a residential lot and no greater than eight (8') feet on a non-residential lot) may be erected along either street frontage if the fence is set back equal to or greater than the front yard setback of the district.	

The front yard fence requirements allow a maximum of 4' high with the side and rear yard allowing 8'.

There are a couple of issues with the fencing that I think we need to look at and address in our ordinance. As per section 3.19 (A)(4) chained link fence cannot be used in the front yard and we have the same requirements for residential and nonresidential in the front yard. It is fairly common, especially in industrial type setting to have fencing around the entire property to keep people from trespassing onto their property because of the danger these types of buildings present. Fencing around storage centers are quite typical as well to help keep trespasser's from gaining access to the buildings and protect people's property. Chain link fencing is almost always used in both of those situations. In this site plan, the proposed fence is 6' on all four sides and all fencing is planned to be at least 1' from the property line. The owner will be getting a survey to confirm the lots lines.

**CONCLUSION**

The building conforms to the all requirements except the front set back is just slightly closer than allowed. In addition, the 6' fence at the front of the building is larger than the 4' allowed and is planned to be chain link fencing.

I showed the plan to Superintendent Killackey and he had no issues. Chief Walters is currently off so I was not able to show him the plans yet.

I have no issue with approving the plan of the buildings with the requirements that he adjust his front set back so that the front of the first row of building is 48' from the center of the road.

As far as the fencing, I have no issue with approving the higher fence because of the type of business he has and if the Commission thinks this is something you would like to amend the ordinance for in the near future. I would also make it contingent upon Chief Walters approving a safe line of site issue. I don't see any issue with this because it is chain link and you can see through it but I would still recommend having Chief Walters give his formal approval. I will leave it up to the Commission to decide how they would like to deal with the higher chain link fence in the front yard. You could allow it as presented or require him to abide by the 4' height requirement in the front in which case he can either adjust his plan or he could appeal to the ZBA for a variance. I do think if the commission thinks they would like to make some adjustments so this is allowed for fencing in commercial type setting within the next year or so, I would recommend approving the plan and not making him go through the ZBA process.

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# Sign Permit

# **Unfinished Business**

**New Business**

# Communications

**John Dantzer**

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**From:** karaf@voyager.net  
**Sent:** Wednesday, July 28, 2021 1:56 PM  
**To:** citymanager@westbranch.com  
**Subject:** Oops

Dear John,

It is with much regret that I have to resign from the planning commission for the city of West Branch. I have enjoyed my time on the commission and feel we have made great strides in our city since I was placed on the commission.

In due time I do hope to be back with the city in some capacity or other, not just on zoning board of appeals.

Sincerely,

Kara L Fachting



## CITY OF WEST BRANCH PLANNING COMMISSIN BOARD OPENING

The City of West Branch is seeking an applicant to fill a vacancy on the resident segment of the Planning Commission. The Planning Commission is a paid board position of \$25/ meeting that meets on the second Tuesday of each month and the fourth Tuesday of the month, as needed, at 6:00 pm at City Hall. Terms are for three years with the filling of the current term to end on 11/30/2023. Applicants are asked to submit an application by September 8 at 4:30 pm with the filling of the vacancy to be discussed at the meeting on September 14, 2021 at 6:00 pm.

The Planning Commission is an advisory body to the City Council, which is responsible for directing the short and long-range growth and development of the City through the maintenance and implementation of the City's Zoning Code, Master Plan, and other associated specific plans. It is composed of seven members with one member being from the City Council. Members are appointed by City Council, based on nominations from current members of the Planning Commission. Each Commissioner serves a three-year term with no maximum term limit.

### Duties:

In order to implement the Master Plan, the Planning Commission is empowered to administer the City's zoning laws, ordinances, rules and regulations which:

- Regulate the use and appearance of buildings, structures, and land.
- Regulate signs and billboards.
- Regulate location, height, bulk, number of stores, and size of buildings and structures; the size and use of lots, yards, courts, and other open spaces; the percentage of a lot which may be occupied by a building or structure; the intensity of land use.
- Establish requirements for off-street parking and loading.
- Establish and maintain building setback lines.
- The Planning Commission also reviews environmental documents and capital improvement programs.

### Desirable Qualifications:

A Planning Commissioner's primary job is to make land use decisions that are consistent with the policies and plans formally adopted by the City Council. Therefore, the first priority of a Planning Commissioner must be to develop decision-making skills and knowledge of City policies. It is not critical to have training in fields such as planning, architecture, law, civil engineering, geology, economics, or demography.

These are skills that are available to the Commissioner from staff, consultants, and the applicant. The commissioner's job is to weight the professional input given in staff reports, environmental impact reports, and consultant reports. A commissioner is much like a judge who is trained to render a legal decision based on the testimony of experts and others who appear as witnesses in a trial.

Suggested qualifications for a Planning Commissioner include:

- A willingness and ability to research and report on issues, programs and policies related to development issues.
- A willingness to attend night meetings on a regular basis.
- A willingness to assist in implementing projects as decided upon by the City Council.
- The ability to sustain harmonious working relationships with Commission members, the City Council, residents, and the public.
- A willingness to attend extracurricular meeting and training seminars related to regional planning uses.

The Planning Commission will strive to encourage participants from various stakeholders of the City such as the Downtown Development Authority, Downtown Retail Merchants, industrial park business owners, residential members, multi-family institutions, medical/health fields, financial institutions, and developers.

For more details, please visit West Branch City Hall at 121 N. 4<sup>th</sup> St, West Branch, MI 48661

## John Dantzer

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**From:** Amy Vansen <avansen@planningmi.org>  
**Sent:** Thursday, July 22, 2021 5:32 PM  
**To:** John Dantzer  
**Subject:** Site Plan Review Workshop?

Good afternoon,

I'm culling emails and came across one of our exchanges from March. Were you still interested in pursuing Site Plan Review this fiscal year? If so, had you zeroed in on a month. I know it's so nice outside, I can see folks wanting to wait until it gets colder. Just let me know. Thanks.

--

Amy M. Vansen, AICP  
Director of Information and Programs

Michigan Association of Planning  
A Chapter of the American Planning Association  
*Creating Great Communities For All*  
1919 West Stadium Boulevard, Suite 4 | Ann Arbor, MI 48103  
Phone: 734.913.2000

**Planning Michigan Conference** | October 27-29, 2021

**Reports**

**Chairman**

**Members**

**Public  
Comment  
-Any  
Topic**

# Adjournment