

- AGENDA -

REGULAR MEETING OF THE WEST BRANCH PLANNING COMMISSION TO BE HELD AT THE WEST BRANCH CITY HALL, 121 N. FOURTH ST. ON TUESDAY, DECEMBER 9, 2024, BEGINNING AT 6:00 PM

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance.
- IV. Public Hearing
 - A. Ordinance 24-01, Zoning amendments
- V. Additions to the Agenda
- VI. Public Comment – Agenda Items Only – 3 Minute Limit (general rule)
- VII. Approval of Minutes from November 7, 2023
- VIII. Site Plan review
 - A. ZP 24-01 203 N. Fifth St
- IX. Sign Permit
- X. Unfinished Business
- XI. New Business
 - A. Appointment of officers
 - B. Bylaw Changes
 - C. Expired terms
 - D. Ordinance 24-01
- XII. Communications
 - A. Reminder of February joint meeting
- XIII. Reports and/or comments
 - A. Chairperson Report
 - B. Member Reports
 - C. Zoning Administrator Report.
- XIV. Public Comment – Any Topic – 3 Minute Limit (general rule)
- XV. Adjournment

Next meeting: Tuesday, November 14, 2023, 6:00 pm

Call to Order

Roll Call

**Pledge of
Allegiance**

Public Hearings

Public Hearing Notice
City of West Branch – rezoning and zoning amendment

The City of West Branch Planning Commission will hold a public hearing on January 9, 2024 at 6 pm to recommend adoption of Ordinance 24-01 (Ordinance to amend the zoning ordinance) to the City Council. The public hearing will be held at the West Branch City Hall at 121 N. 4th St., West Branch, MI 48661. The full text of the amending ordinance is available at City Hall, online at www.westbranch.com, or by contacting John Dantzer at 989-345-0500 or by email at citymanager@westbranch.com. Written comments may be sent to the address above prior to the meeting. The public may appear at the public hearing in person or by counsel. The amending ordinance rezones parcel # 052-455-004-00 from R-1 (Single-Family Residential District) to G-B (General Business District), parcel # 052-458-001-00 from CBD (Central Business District) to G-B (General Business District), and a portion of parcel #052-630-040-00 from R-M (Multiple Family Residential) to G-B (General Business District). The ordinance will also amend sections 4.6 (Mixed-Use District), 4.8 (Central Business District), 4.9 (General Business District), and section 4.11 (Full Table of Permitted Uses) of the zoning ordinance pertaining to residential and commercial in one building.

City of West Branch Planning Commission

From Homeowner 430 W. River Park

I object the rezoning 052-630-040-00

It is not proper for a Business

I did not buy this for Business. The Wildlife is negative affected

If you made this unwise decision, assurances must be done to prevent any sewer system problems.

Trees or steps hide any development. The maintenance cost is for the City or The Owners
Further done from noise and reduces chance from criminal activity.

George H Foust

12/19/2023

George H Foust

Additions to the Agenda

Public Comment -Agenda Items

Approval of Minutes

SPECIAL MEETING OF THE WEST BRANCH PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET, ON TUESDAY, NOVEMBER 7, 2023.

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

Present: Bob David, Yvonne DeRoso, Josh Erickson, Kara Fachting, Mike Jackson, Cori Lucynski, and Rusty Showalter.

Absent: None

Others officers in attendance: Acting secretary/zoning administrator, John Dantzer

All stood for the Pledge of Allegiance.

At 6:02, Chairperson Lucynski opened the public hearing to take comment on ordinance 23-02 which would amend the zoning of several parcels through out the City.

No one wished to speak on the subject.

MOTION BY FACHTING, SECOND BY JACKSON, TO CLOSE THE PUBLIC HEARING.

Yes — David, DeRoso, Erickson, Fachting, Jackson, Lucynski, Showalter

No – None

Absent –None

Motion carried

MOTION BY DEROSO, SECOND BY SHOWALTER, TO APPROVE THE MINUTES FROM THE MEETING HELD OCTOBER 10, 2023.

Yes — David, DeRoso, Erickson, Fachting, Jackson, Lucynski, Showalter

No – None

Absent –None

Motion carried

MOTION BY SHOWALTER, SECOND BY FACHTING, TO RECOMMEND TO CITY COUNCIL THE APPROVAL OF ORDINANCE 23-02 WHICH WOULD REZONE PARCEL # 052-462-009-00 FROM CENTRAL BUSINESS DISTRICT TO MIXED-USE DISTRICT AND THE REZONING OF PARCEL #'S 052-108-003-00, 052-108-04-00, 052-108-005-00, AND 052-108-006-00 FROM SINGLE-FAMILY RESIDENTIAL TO MIXED-USE DISTRICT BECAUSE THE ZONING IS CONSISTENT WITH THE GOALS AND OBJECTIVES OF THE MASTERPLAN, IS CONSISTENT WITH THE SURROUNDING USES, DOES NOT POSE AN IMPACT ON THE SURROUNDING PROPERTIES, DOES NOT CREATE A DETERRENT TO THE IMPROVEMENT OR DEVELOPMENT OF

ADJACENT PROPETIES, WILL NOT CREATE A SPECIAL PRIVELGE TO AN INDIVIDUAL PROPERTY OWNER, AND WILL POSE NO IMPACT TO THE CITY'S INFRASTRUCTURE OR PROGRAMS.

Yes — David, DeRoso, Erickson, Fachting, Jackson, Lucynski, Showalter

No – None

Absent –None

Motion carried

* * * * *

Chairperson Lucynski spoke on the Veteran's Banners.

Member DeRoso gave an update on the MDOT work that took place in Ogemaw Township and noted they are planning a ribbon cutting for the pathway that connects the Township to the City.

Menber Jackson spoke on the passing of June Longstreet and commended her many years of service to the City and the Planning Commission.

Member Fachting gave an update on the cleanup of the old bicycle factory and commended the Ogemaw football team for their great year.

Member Showalter echoed the sentiments of Member Jackson and spoke on the passing of June Longstreet as well.

Secretary/Zoning Administrator Dantzer discussed concerns with the expansion of electic vehicle charing stations and noted the Commission may want to look into updating the zoning ordinance to deal with them. It was discussed that this was something that would be looked at moving forward.

* * * * *

Chairperson Lucynski closed the meeting at 6:28 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
The City of West Branch is an equal opportunity provider, employer, and lender

ZONING AND USE PERMIT APPLICATION

Applicant: ^{Architect} ~~Contractor~~ ☐ Homeowner ☐

Property Owner: **Richard Bachelder**

Mailing address: **203 N Fifth Street**

Phone Number: **989-312-3033** Property ID # **052-455-004-00**

Project Address: **203 N Fifth Street**

Contractor Name: **Daniel Boggs**

Contractor Address: **8538 Island Blvd, Grosse Ile, MI 48138**

Contractor Phone: **248-882-3642**

Use **Business**

Type of Improvement Other

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

Length _____ Width _____ Height _____

Setbacks:

Front _____ Rear _____ Sides _____

Applicant Signature: _____ *Dan Boggs* Date: **12-15-23**

(See reverse for site plan sketch area)

See attached drawings.

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. 7P 24-01

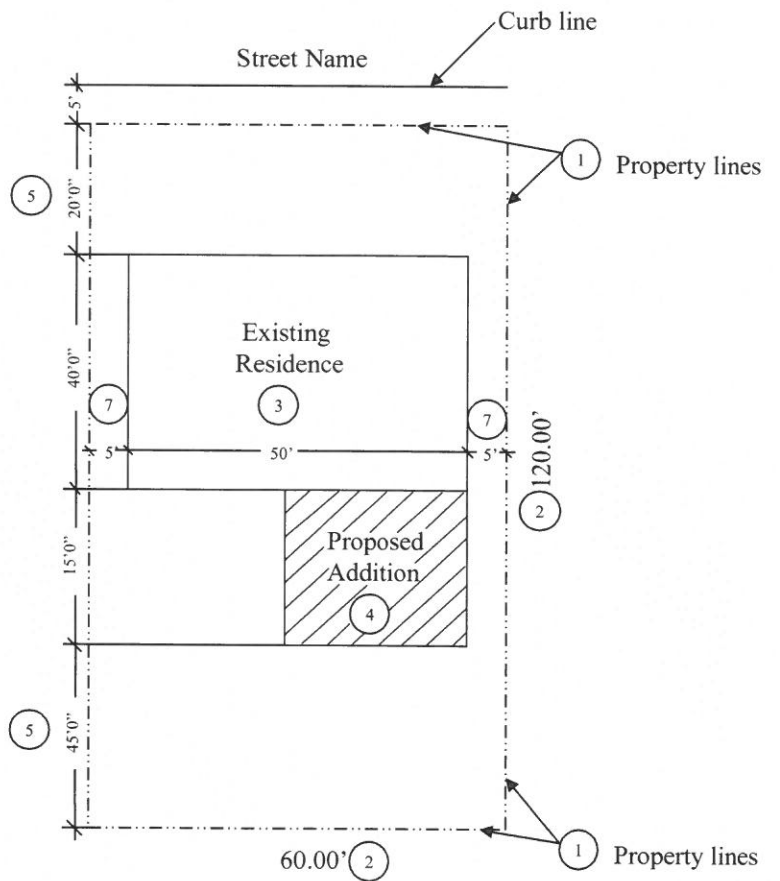
Application fee (\$25.00 for residential, \$50 for commercial) - PAID_____ NOT PAID_____

S:\Forms -8-27-20

SAMPLE SITE PLAN

The following items must be clearly indicated on the site plan when submitting drawings for zoning permit.

1. Property lines
2. Dimensions of property
3. Area of existing residence
4. Area of proposed addition
5. Front yard setback
6. Rear yard setback
7. Side yard setback

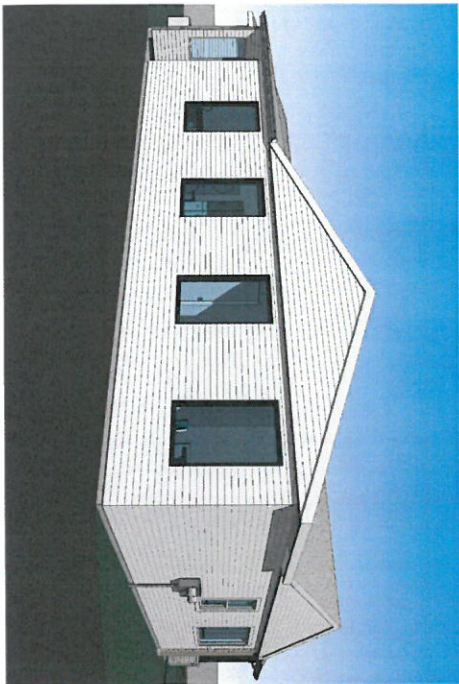




Exterior Front Elevation



Exterior Side Elevation



SOUTHWEST PERSPECTIVE



SOUTHEAST PERSPECTIVE



DRAWING INDEX			
NO.	DESCRIPTION	DATE	BY
1	GENERAL	12-12-23	
2	ARCHITECTURAL	12-12-23	
3	MECHANICAL	12-12-23	
4	ELECTRICAL	12-12-23	
5	PLUMBING	12-12-23	
6	PAINTING	12-12-23	
7	LANDSCAPE	12-12-23	
8	INTERIOR	12-12-23	
9	EXTERIOR	12-12-23	
10	DETAILS	12-12-23	

DANIEL BOGGS
ARCHITECT
ARCHITECTURE & PLANNING

8538 BILKIN BLVD.,
DUBLIN, OH 43017-1234
248.882.1234

PROJECT:
Bachelder Dentist
Office
203 N 5th Street
West Branch, IA 50661

PROFESSIONAL SEAL

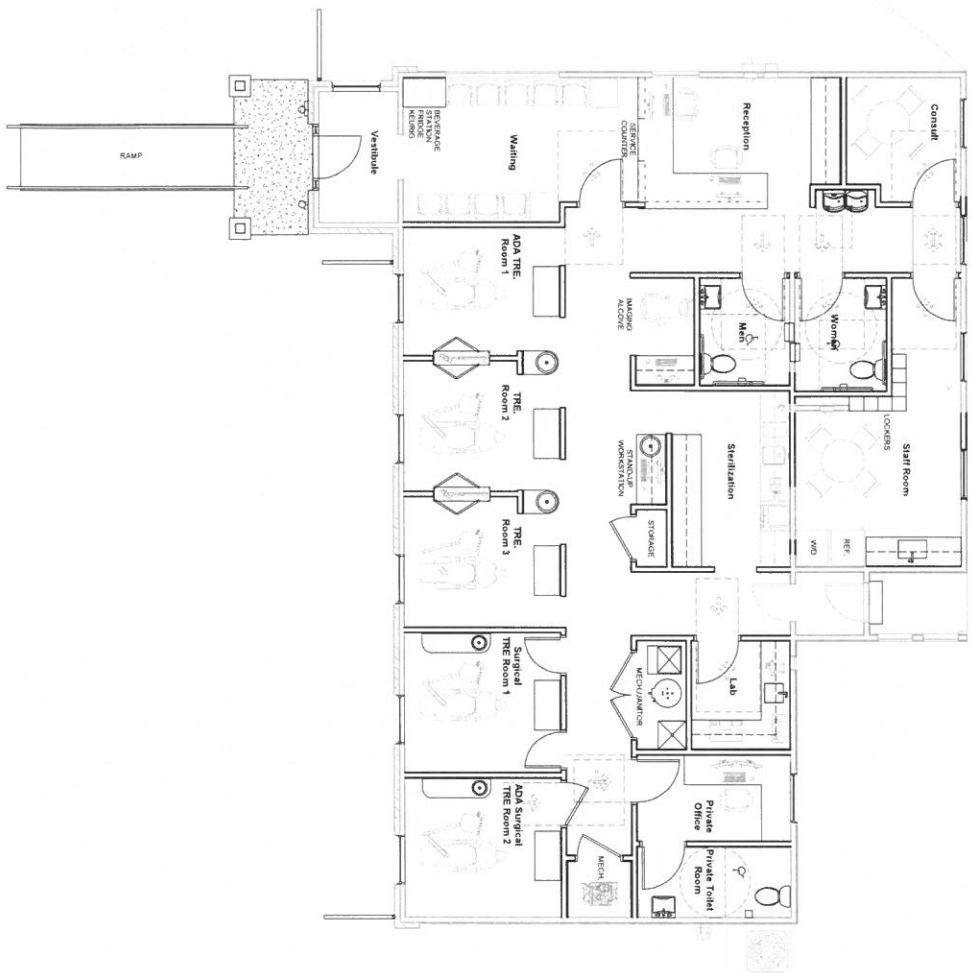
ISSUED:
12-12-23: Client Review
12-12-23: PC Review

PROJECT NO:
2023.13
DRAWING SET:
DWG
These drawings were prepared by the Architect for the purpose of securing a building permit. They are not to be used for any other purpose without the written consent of the Architect. The Architect assumes no responsibility for the accuracy or completeness of the information provided by the client or for the results of the construction.

SHEET TITLE:
Title Sheet

SHEET NO:

G-1



1 FLOOR PLAN
SCALE: 1/4" = 1'-0"

DANIEL
BOGGS
ARCHITECT

ARCHITECTURE
&
PLANNING

6538 INLAND AVE.
DOWNSIDE, IL 60130
312.485.1542

PROJECT:
Bachelder Dentist
Office

201 N 5th Street
Oak Brook, IL 60151

PROFESSIONAL SEAL:

PRELIMINARY
NOT FOR CONSTRUCTION

DESIGNED:

10-07-02 A.B.B.
10-08-03 C.B.B.
10-10-03 R.B.B.
10-10-03 P.C.B.

PROJECT NO:

DATE:

NOTES:
1. This drawing is the property of Daniel Boggs Architect. It is to be used only for the project and location specified. It is not to be reproduced, copied, or used for any other project without the written consent of Daniel Boggs Architect.

SHEET TITLE:
Floor Plan

SHEET NO:

A-3

Zoning Administrator review for Richard Bachelder

203 N. Fifth St.

LOT/BUILDING RESTICTIONS

The parcel is currently located in the single-family residential district (R-1). The building currently is the location of the Bachelder Law Office and is intended to be remodeled into a dentist office. A dental clinic would fall under the Human Care and Social Assistance heading "Health Care/Dental/Optical/hearing clinic Use" which is not permitted in the R-1 district; however, I believe this parcel was incorrectly zoned and should have been zoned as general business district (G-B) since, to my knowledge, has always been commercial in nature. Because of this, I have started the process of changing the zoning map to correct it. It is my recommendation that we change the zoning of that parcel and the parcel to the south of it to G-B to match the properties to the south of it and reflect what it really could be used for. Requiring someone to remodel a commercially constructed building and change it to residential would be cost prohibitive for that building. It is my belief that we have incorrectly zoned this and have created a hardship on the property owner. If you do agree with this recommendation and to proceed with the rezoning, I would recommend we proceed with the zoning approval as if the parcel was in the G-B district.

USE

As noted above, a dental clinic would fall under the Human Care and Social Assistance heading "Health Care/Dental/Optical/hearing clinic Use" which is permitted by right in the G-B district

SETBACKS AND STRUCTURAL STANDARDS

The setbacks of the building are well within the requirements of 20' on the sides and 25' on the front and back. The plans do a good job and show the setback requirements with a greyish dashed line.

The lot is 19,932sf and the building is 2,225sf so only approximately 11% of the lot is covered which is less than the 75% max.

ADDITIONAL DEVELOPMENT STANDARDS

- SCREENING/BUFFERING

Because the building abuts a residential property to its North, Planning does have the right to require some sort of screening or buffering. (Section 3.20). Currently there is a row of trees that could be considered a buffer. Section 3.20(B) states a buffer can be required on a commercial lot that is already developed if the building is expanded or demolished, a special use is applied for, or a site plan review is applied for. I would argue a dental office would have a larger volume of traffic than a law office due to the number of customers that would be going in and out on a daily basis so we should look and see if the current buffer is adequate. As per section 3.20(C)(3)(a), a buffer is required when the building is within 30' of the residential property. Based on my scaling of the plan, the building lies approximately 28.5' from the neighboring property line so it does fall within the distance that a buffer is recommended. There is already a line of trees which appears to fall on the property line so those may be deemed enough by the

Commission. I am not sure the addition of a fence would make it any less noisy or block the view much more so I think the current trees would be fine but I would recommend you drive by and take a look yourselves to see what you think.

PARKING REQUIREMENTS

In the G-B District, off-street parking shall be permitted to occupy required front, side and rear yards provided that there shall be maintained a minimum landscaped setback of ten (10') feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line. There does appear to be a greenbelt in between the road and the parking area on the road right of way so they do meet this requirement

The plan calls for 15 total parking spots so they don't need to abide by the interior landscaping requirements which notes parking areas totaling seventy-six (76) or more spaces shall provide a minimum of ten (10%) percent interior landscaping. Parking areas totaling twenty-five (25) to seventy-five (75) spaces shall provide a minimum of five percent (5%) interior landscaping. Interior landscaping may be transferred to the perimeter of the lot(s) if interior landscaping is not possible.

Off-street parking areas shall be effectively screened on any side that abuts a residential use or institutional use pursuant to Section 3.20. As noted earlier, the Commission must decide if the current row trees is a good enough screening.

Number of parking spaces required-I would categorize the dental clinic as an office building including banks, businesses, and other professional offices which requires 1 parking space for every 200sf of office space with a minimum of 5 spaces. The plans show a total of 2,225 sf which would require at least 11 spots. The plan calls for 15 total spots with 14 being standard and one being handicap. According to the American ADA requirements, 1 handicap spot is required for parking spots between 1 and 25 so all space requirements are met.

The building is not over 10,000sf so no bicycle parking is required.

I don't see any parking lights noted so I would presume they are just using lighting from the side of the building to light the lot. We may want to confirm that with the owners. If they plan to use light poles, they will need to make sure the light doesn't flood over onto the neighboring properties.

CONCLUSION

Based on the plans provided, I do not see any issues as long as Planning agrees that the lot should be rezoned. I would recommend approval of the zoning permit ZP 24-1 for Richard Bachelder at 203 N. Fifth St.

Sign Permit

Unfinished Business

New Business

BYLAWS OF PLANNING COMMISSION

Article IV: Officers

4.1.1 Officers. Officers of the Commission are appointed members of the commission and shall consist of a Chairperson and Secretary. The Commission may appoint other officers if deemed appropriate.

4.3.7 Election. The Commission shall, at the first practical meeting, select from its membership a Chairperson and Secretary, to serve for a twelve (12) month period, and who shall be eligible for re-election. Newly elected officers shall assume their office immediately after the election. Vacancies in office shall be filled immediately by regular election procedure.

BYLAWS OF PLANNING COMMISSION

Article IV: Officers

4.1.1 Officers. Officers of the Commission are appointed members of the commission and shall consist of a Chairperson, Vice Chairperson, and Secretary. The Commission may appoint other officers if deemed appropriate.

4.3.7 Election. The Commission shall, at the first practical meeting, select a Chairperson and Vice Chairperson from its membership, as well as a Secretary who does not have to be from its membership, to serve for a twelve (12) month period, and who shall be eligible for re-election. Newly elected officers shall assume their office immediately after the election. Vacancies in office shall be filled immediately by regular election procedure.

City of West Branch Planning Commission

2023 Annual Report

PLANNING COMMISSION MEMBERS

	<i>Term Expiration</i>
Michael (Mike) Jackson , Planning Commissioner	Council Term
Corine Lucynski , Planning Commissioner Chair	11/30/25
Rusty Showalter , Planning Commissioner	11/30/23
Josh Erickson , Planning Commissioner	11/30/24
Kara Fachting , Planning Commissioner	11/30/23
Robert (Bob) David , Planning Commissioner Vice Chair	11/30/25
Yvonne DeRoso , Planning Commissioner	11/30/24

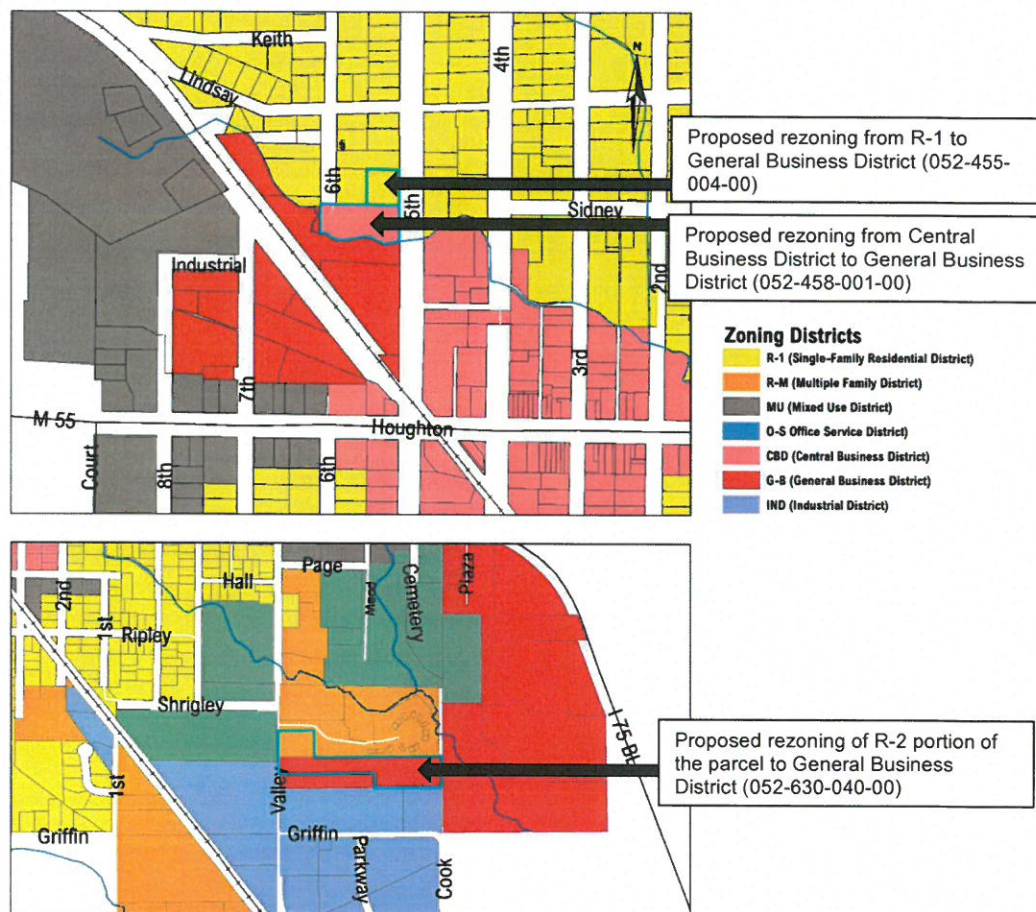
**City of West Branch
Ordinance No. 24-01**

AN ORDINANCE TO AMEND SECTION 4.6 (MIXED USE DISTRICT), SECTION 4.8 (CENTRAL BUSINESS DISTRICT), 4.9 (GENERAL BUSINESS DISTRICT), AND SECTION 4.11 (FULL TABLE OF PERMITTED USES AND SPECIAL LAND USES) AND TO AMEND THE CITY OF WEST BRANCH ZONING MAP TO REZONE PARCEL 052-455-004-00 FROM SINGLE-FAMILY RESIDENTIAL DISTRICT TO GENERAL BUSINESS DISTRICT, PARCEL 052-458-001-00 FROM CENTRAL BUSINESS DISTRICT TO GENERAL BUSINESS DISTRICT, AND PARCEL 052-630-040-00 FROM GENERAL BUSINESS DISTRICT/MULTIPLE FAMILY DISTRICT TO GENERAL BUSINESS DISTRICT.

The City of West Branch, Ogemaw County, Michigan ordains:

Section 1: Amendments to the Zoning Ordinance.

That the City of West Branch Zoning Map is hereby amended to show as follows:



That the City of West Branch Zoning Ordinance Section 4.6 (Mixed Use District), 4.8 (Central Business District), and Section 4.9 (General Business District) is hereby amended as follows:

4.6 B. Uses Allowed

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	MU
Miscellaneous	
Mixed Uses (Commercial/Residential in one building & in separate buildings on one lot)	S
Residential Uses	
Dwelling Units above a Commercial Establishment Mixed Uses (Commercial/Residential in one building & in separate buildings on one lot) (Commercial use will dictate if the use is permitted by right or special land use.)	P P/S

4.8 B. Uses Allowed

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	CBD
Miscellaneous	
Mixed Uses (Commercial/Residential in one building & in separate buildings on one lot)	P
Residential Uses	
Dwelling Units above a Commercial Establishment. (Commercial use will dictate if the use is permitted by right or special land use.)	P P/S

4.9 B. Uses Allowed

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	G-B
Residential Uses	
Dwelling Units above a Commercial Establishment (Commercial use will dictate if the use is permitted by right or special land use.)	P P/S

That the City of West Branch Zoning Ordinance Section 4.11 (Full Table of Permitted & Special Land Uses) is hereby amended as follows:

Table 4.11 - Full Table of Permitted Uses & Special Land Uses							
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	R-1	R-M	MU	O-S	CBD	G-B	IND
Miscellaneous							
Mixed Uses (Commercial/Residential in one building & in separate buildings on one lot)			S		P		
Residential Uses							
Dwelling Units above a Commercial Establishment Dwelling Units above a Commercial Establishment. (Commercial use will dictate if the use is permitted by right or special land use.)			P		P P/S	P P/S	
Mixed Uses (Commercial/Residential in one building & in separate buildings on one lot) (Commercial use will dictate if the use is permitted by right or special land use.)			P/S				

Section 2: Severability

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause

The City of West Branch Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4: Effective Date

The ordinance changes shall take effect upon the expiration of seven days after the publication of the notice of adoption.

Mayor, City of West Branch

Clerk, City of West Branch

I, Lori Ann Clover, Clerk for the City of West Branch, hereby certify that the foregoing is a true and correct copy of Ordinance No. 2 of 2023 of the City of West Branch, adopted by at a meeting of the City Council held on .

A copy of the complete ordinance text may be inspected or purchased at the West Branch City Hall at 121 N. Fourth St. West Branch, MI.

Adopted: Published: Effective: , subject to PA 110 of 2006 as amended.

Zoning Administrator notes on ordinance 24-01

MAP CHANGES

The recommended zoning map changes have come up in response to two separate requests that I have received. The changes will result in three parcels being changed.

The first two came about with the site plan request to change the Bachelder Law Office to a dental clinic. In review of the map, it was determined the Bachelder property is currently zoned as single family residential, making it a nonconforming use. It is my understanding that the building was constructed as, and has always been used for commercial purposes. In addition, the parcel just to the south of it, which is City owned, is zoned Central Business District. That zoning also does not make sense to me for that parcel since it has general business to the South and Single Family Residential to the North. If it is going to be commercial in nature, it makes more sense to me to have it zoned General Business District to match the adjoining property to the south. It will also match the Bachelder property, if we rezone that, so all of those adjoining parcels are General Business. We don't want Central Business District in that area which would allow zero lot lines. Zero lot lines are meant for the main downtown area only.

The third came about from a request from a company working with the Villas asking for a zoning compliance letter. In review of the map, it was determined their parcel actually has a switch in zoning running through the center of it with the north part being Multi-Family Residential and the south part being General Business. The zoning split actually runs through the center of the building. Not sure if there was a lot combination possibly done at one time without the map actually being changed or how that came about. I asked Denise if we possibly made that mistake in our rewrite but she checked and said our old map had the exact same issue. This amendment would remove the Multi Family designation and make it all General Business. It would be impossible to have any correct zoning options for them unless this is corrected as you can not zone one building with two separate set of requirements.

USE CHANGES

The use changes came about when reviewing the uses allowed for the old police department building that we recently changed to mixed use. When reviewing the allowed uses, I realized the residential uses allows residential units above a commercial unit, townhomes, duplexes, and condos. It makes not mention of apartments nor does it allow commercial and residential to be on the same floor which is exactly what you are trying to achieve by the mixed use. Central Business is the only location we have ever discussed as not wanting the mixed use on the first floor. I discussed this with Denise and we came up with the recommended changes.

In the Mixed use table of permitted uses

- It will remove mixed uses from the miscellaneous heading so all mixed uses and residential type uses are under the residential heading. This is where they are held in the other districts
- In the residential heading it will change the dwelling units above a commercial establishment to say Mixed Uses (Commercial/Residential in one building and separate buildings on one lot)(Commercial will dictate if the use is permitted by right or special use). The last part means that if you have a mixed use building the decision if it will be allowed by right or special use will be decided on based on the type of business going in. If the business is allowed by right, the n

the mixed use will be allowed by right. If the business was to be approved by special use, then the mixed use has to be approved by special use.

In the Central Business District

- It will remove mixed uses from the miscellaneous heading so all mixed uses and residential type uses are under the residential heading. This is where they are held in the other districts
- Changes the dwelling above a commercial establishment so that the permitted by right or special use will be dictated by the commercial use of the building.

In the General Business District

- Changes the dwelling above a commercial establishment so that the permitted by right or special use will be dictated by the commercial use of the building.

Communications

As one of the requirements of the redevelopment ready communities' program, City Council, the Planning Commission, and the DDA are to hold an annual joint meeting. It was voted upon by Council to hold the meeting annually on the first Monday of February

Reports

Chairman

Members

**Public
Comment
-Any
Topic**

Adjournment