#### - AGENDA -

SPECIAL MEETING OF THE WEST BRANCH PLANNING COMMISSION TO BE HELD AT THE WEST BRANCH CITY HALL, 121 N. FOURTH ST. ON TUESDAY, NOVEMBER 7, 2023, BEGINNING AT 6:00 PM

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance.
- IV. Public Hearing
  - A. Ordinance 23-02- Zoning amendment
- V. Additions to the Agenda
- VI. Public Comment Agenda Items Only 3 Minute Limit (general rule)
- VII. Approval of Minutes from October 10, 2023
- VIII. Site Plan review
- IX. Sign Permit
- X. Unfinished Business
- XI. New Business
  - A. Ordinance 23-02
- XII. Communications
- XIII. Reports and/or comments
  - A. Chairperson Report
  - B. Member Reports
  - C. Zoning Administrator Report
    - 1. Electric Vehicle Charging Stations
- XIV. Public Comment Any Topic 3 Minute Limit (general rule)
- XV. Adjournment

Next meeting: Tuesday, December 12, 2023, 6:00 pm

#### **MEETING NOTICE**

To comply with the Michigan Open Meetings Act (MCL 15.265):

The City of West Branch Planning Commission, 121 N. Fourth St. West Branch, MI 48661.

Phone: (989) 345-0500; email: cityhall@westbranch.com

Internet where meeting notices are posted: www.westbranch.com (click on "CALENDAR OF

EVENTS AND NOTICE OF MEETINGS" or go directly to

http://www.westbranch.com/calendar.php)

#### **Notice of Meeting**

NOTICE IS HEREBY GIVEN that the City of West Branch Planning Commission will be cancelling its regular meeting scheduled for Tuesday, November 14<sup>th</sup> and instead hold a Special meeting on the following date, time and place:

DATE: Tuesday, November 7, 2023

TIME: 6:00 pm

PLACE: Council Chambers of West Branch City Hall

121 N. Fourth St., West Branch MI 48661

AGENDA: Public hearing for rezoning of various City parcels and regular meeting.

Accommodations and necessary reasonable auxiliary aids and services are available upon request to persons with disabilities, as well as the hearing impaired, who require alternately formatted materials or auxiliary aids to ensure effective communication and access to meetings or hearings. All requests for accommodation should be made with as much advance notice as possible by contacting City Clerk Lori Ann Clover at (989) 345-0500; 121 N. 4<sup>th</sup> St., West Branch, MI 48661; email: clerk@westbranch.com.

This notice was posted by City Manager, John Dantzer to comply with Sections 4 and 5 of Michigan Open Meetings Act (MCL 15.265) at 4:00 pm on October 23, 2023, on the City of West Branch bulletin board, as well as on the City of West Branch website.

### Call to Order

Roll Call

Pledge of Allegiance

## **Public Hearings**

#### Public Hearing Notice City of West Branch - Rezoning

The City of West Branch Planning Commission will hold a public hearing on Nov 7 at 6 pm to recommend adoption of Ordinance 23-02 of 2023 (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. 4<sup>th</sup> 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 # 052-462-009-00 from CBD (Central Business District) to MU (Mixed Use District) and parcel #'s 052-108-003-00, 052-108-004-00, 052-108-005-00, and 052108-006-00 from R-1 (Single-Family Residential District) to MU (Mixed Use District).

## Additions to the Agenda

# Public Comment -Agenda Items

## Approval of Minutes

REGULAR MEETING OF THE WEST BRANCH PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET, ON TUESDAY, OCTOBER 10, 2023.

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

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

Absent: Josh Erickson and Kara Fachting

Others officers in attendance: Acting secretary/zoning administrator, John Dantzer; and Denise Cline from NEMCOG (virtually).

\*\*\*\*\*\*\*\*

All stood for the Pledge of Allegiance.

MOTION BY DEROSO, SECOND BY DAVID, TO APPROVE THE MINUTES FROM THE MEETING HELD SEPTEMBER 12, 2023.

Yes — David, DeRoso, Jackson, Lucynski, Showalter

No – None Absent –Erickson, Fachting Motion carried

A sign variance was presented from WB Provisioning Center for a temporary sign due to its size.

MOTION BY LUCYNSKI, SECOND BY SHOWALTER, TO APPROVE THE SIGN VARIANCE FOR 30 DAYS.

Yes — David, DeRoso, Jackson, Lucynski, Showalter

No – None Absent – Erickson, Fachting Motion carried

The Commission discussed areas that needed to be looked at for rezoning. Denise Cline of NEMCOG discussed the process for both conditional and nonconditional rezoning. She further noted that as long as the property met the six standards for rezoning then they could rezone parcels. The board discussed having a special meeting on November 7 to hold a public hearing on the rezoning of parcels in the City.

Member David noted a new sign on Valley St for Paws and Claws and asked if it had been permitted. Manager/Administrator Dantzer noted it was not and would send them a letter.

Member DeRoso noted she has received some calls on the vacant industrial City property. She also noted she closed on the sales of two condos and has received interest on the one under construction. She also noted they were doing a good job with the road construction.

Member Showalter agreed and noted they were doing a great job with the road construction.

Manager/Administrator Dantzer noted the City would be starting back up with the Marketing Strategy and that the Planning Commission would be acting as the committee for it.

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Chairperson Lucysnki closed the meeting at 6:47 pm.

## Site Plan Review

## Sign Permit

## Unfinished Business

### **New Business**

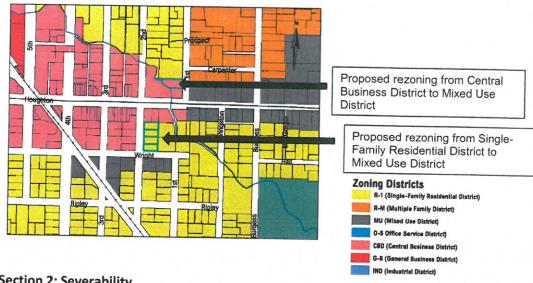
#### City of West Branch Ordinance No. 23-02 of 2023

AN ORDINANCE TO AMEND THE CITY OF WEST BRANCH ZONING MAP TO REZONE PARCEL 052-462-009-00 FROM CENTRAL BUSINESS DISTRICT TO MIXED USE DISTICT AND PARCELS 052-108-003-00, 052-108-004-00, 052-108-005-00, 052-108-006,00 FROM SINGLE FAMILY RESIDENTIAL DISTRICT TO MIXED USE 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:



#### 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 upo notice of adoption.	n the expiration of seven days after the publication of		
Mayor, City of West Branch			
Clerk, City of West Branch			

l, <u>Lori Ann Clover</u>, 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.



121 North Fourth Street, West Branch, Michigan 48661
Phone 989-345-0500, Fax 989-345-4390, e-mail <a href="mailto:citymanager@westbranch.com">citymanager@westbranch.com</a>
The City of West Branch is an equal opportunity provider, employer, and lender

To: From: Property Owner

Date:

City of West Branch October 13, 3023

Re:

Rezoning of Parcel #: 052-108-003-00, 052-108-004-00, 052-108-005-00, 052-108-006-00, and

052-462-009-00

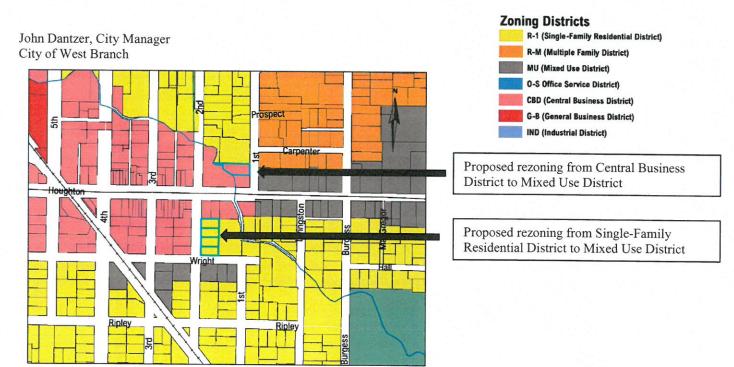
You are receiving this letter because your property is proposed for rezoning <u>or</u> your property is within 300 feet of a property proposed for rezoning. Please see the map below which shows the property proposed for rezoning. Please note that zoning designation <u>does not</u> affect property taxes. Property taxes are based on the use actually occurring on the property.

The City of West Branch Planning Commission will hold a public hearing on November 7 at 6 pm to recommend adoption of Ordinance of 23-02 of 2023 (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 <a href="mailto:citymanager@westbranch.com">citymanager@westbranch.com</a>.

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.

Please contact me at the above address or phone number if you have any questions or concerns.

Sincerely,



NOTE: Public Act 110 of 2006, as amended, requires notification of properties proposed for rezoning and notification of properties located within 300 feet of those properties. Properties in groups of 11 or more adjacent parcels that are proposed for rezoning are exempt from these notification requirements.

#### Sec. 15-591. Rezoning standards.

In considering any application for an amendment to the official zoning map (rezoning), the planning commission shall and the city council may consider the following criteria in making its findings, recommendations, and decision:

- (1) Is the proposed use consistent with the goals, objectives and future land use of the currently adopted master plan, including any subarea or corridor studies? If conditions have changed since the master plan was adopted, is the proposed use consistent with recent development trends in the area?
- (2) Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
- (3) Will there be an adverse physical impact on surrounding properties?
- (4) Will rezoning create a deterrent to the improvement or development of adjacent property in accordance with existing regulations?
- (5) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e., will rezoning result in spot zoning)?
- (6) What is the impact on the ability of the city and other governmental agencies to provide adequate public services and facilities, or programs that might reasonably be required in the future if the proposed amendment is adopted?

(Ord. of 12-16-2019, § 10.2)

#### SECTIONS FROM THE MASTERPLAN

#### **Primary Goal and Objectives**

The primary goal of this plan is to maintain and foster the growth and advancement of the City of West Branch as a place of order, enjoyment and opportunity for all its citizens. To do so the following objectives are put forward:

- **Citizen Involvement**. Involve West Branch citizens in activities of the City that will advance the primary goal of this plan.
- **Housing.** Maintain the City's high quality residential neighborhoods and encourage new appropriate development.
- City Services and Infrastructure. Maintain and improve City services and infrastructure.
- **Economic 1 (Sustainability).** Promote and support existing businesses in the City and region to thrive and grow.
- **Economic 2 (Attraction).** Market the City and the region to attract additional commercial and industrial enterprises.
- **Tourism.** Market the City and its environs to draw visitors and tourists to support local businesses and the local economy.

	Maintain the City's high quality residential neighbor appropriate development.	orhoods and encourage new	
2 Housing	1. Ensure that the City zoning ordinance provides for sufficient areas for the construction of high quality dwellings, multifamily, townhouse, single family, and two-family, of varying densities and types including tiny homes and accessory dwelling units.	SHORT	Planning Commission
	Enforce the blight ordinances to eliminate conditions that discourage the upkeep of existing housing and the construction of new high-quality developments.	ON-GOING	City Staff
	<ol> <li>Continue and promote the housing rehabilitation program for improving existing housing stock. Identify funding sources available for residential improvements and make property owners aware of such rehabilitation programs.</li> </ol>	SHORT	City Staff County Housing Dept
	Partner with realtors/builders to attract developers that can construct desired housing developments.	MEDIUM	City Staff and Planning Commission
	5. Ensure the zoning ordinance allows for areas of mixed use development, where appropriate.	SHORT	Planning Commission
	6. Consider the necessity of a rental inspection program.	MEDIUM	City Council

#### Zoning Administrator notes for rezoning

I decided to include both the N. First property as well as the properties on S. Second in the notice because we have discussed both areas in the past. You do not have to approve both areas but I thought it would be better to give you the option and it is easier to do them all at once.

As per section 15-591 of our zoning ordinance, there are 6 criteria that have to be met in order for the rezoning to be approved. Those criteria are:

- (1) Is the proposed use consistent with the goals, objectives, and future land use of the currently adopted master plan, including any subarea or corridor studies? If conditions have changed since the master plan was adopted, is the proposed use consistent with recent development trends in the area?
  - As listed in our Masterplan, one of the City's six primary goals and objectives is to maintain high-quality residential neighborhoods and encourage new appropriate developments. One of the focuses listed to achieve this is to ensure the zoning ordinance allows for areas of mixed-use development. Switching both of these areas to Mixed-Use would help accomplish that goal.
- (2) Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
  - The adjoining uses around the change on N. First is Single-Family to the North, Multi-Family and Mixed-Use to the East, and Central Business to the South and West. Because the properties are already surrounded with a mixture of commercial, residential, and mixed-use, the switch to Mixed-Use for this property would be consistent for the area.
  - The adjoining uses around the S. First change is Central Business to the West and North, Single-Family to the East, and Mixed-Use to the South. Because the properties are already surrounded with a mixture of commercial, residential, and mixed-use, the switch to Mixed-Use for these properties would be consistent for the area.
- (3) Will there be an adverse physical impact on surrounding properties?
  - In both locations, the surrounding areas already has a mixture of residential and businesses so changing to Mixed-Use would pose no physical impacts to any of the surrounding properties.
- (4) Will rezoning create a deterrent to the improvement or development of adjacent property in accordance with existing regulations?
  - Because there is already a mixture of residential housing and businesses in both locations, switching the zoning to Mixed-Use will not create a deterrent to the improvement and development of adjacent properties.

- (5) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e., will rezoning result in spot zoning)?
  - Because the surrounding properties are already a mixture of residential and business, allowing mixed use in these areas will continue the uses of both residential and commercial and does not grant any special privilege to these properties when compared to neighboring properties.
- (6) What is the impact on the ability of the City and other governmental agencies to provide adequate public services and facilities, or programs that might reasonably be required in the future if the proposed amendment is adopted?
  - The switch to Mixed-Use for all of these properties would not cause an impact
    to any of the City's utilities or service. I do not see the change creating issues
    with the City's ability to supply adequate water or sewer, nor, any issues with
    the road traffic.

It would be my recommendation to approve the rezoning of all of the parcels on both S. Second and N. First. The rezoning of S. First would allow that property to be developed to hold both commercial and residential uses on the first floor and would allow it to still fit in with the other surrounding properties which are already a mixture of commercial and residential. The rezoning of S. Second would allow for those properties the ability to be used for both commercial which the buildings on three sides of them are, or stay as residential. The Mixed-Use would also allow those properties to be used for Multi-Family uses which could be supported because of the sizes of some of those homes. I think it would be best to deal with the changes separately when discussing and then a motion can be made based on either approval of only one or both of the areas.

If you just want to approve the rezoning of the N. First property, we would need a motion to recommend to City Council the adoption of Ordinance 23-02, to approve the rezoning of parcel #052-462-009-00 from Central Business District to Mixed-Use District because the rezoning 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 properties, will not create a special privilege to an individual property owner, and will pose no impact to the City's infrastructure or programs.

If you would like to change the zoning for both N. First and S. Second, we would need a motion to recommend to City Council the adoption of Ordinance 23-02, to approve the rezoning of parcel #052-462-009-00 from Central Business District to Mixed-Use District and the rezoning of parcel #052-108-003-00, 052-108-004-00, 052-108-005-00, and 052-108-006-00 from Single-family Residential District to Mixed-use District because the rezoning 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 properties, will not create a special privilege to an individual property owner, and will pose no impact to the City's infrastructure or programs.

### Communications

## Reports

Chairman

Members

**ELECTRIC VEHICLE CHARGING STATION**: A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

#### A. Electric Vehicle Charging Stations.

#### General.

- a. Accessory Use. Electric vehicle charging stations are permitted by right in all zoning districts. Freestanding electric vehicle charging stations are accessory structures. Electric vehicle charging stations which are available for use by the public or customers of an establishment, when not the primary use of the parcel, require Zoning Administrator approval via a zoning permit. An electrical permit is also required for all charging stations.
- b. Principal Use. If the principal use of a parcel is the retail charging of electric vehicle batteries, then the use shall be considered a gas station for zoning purposes. Installation of charging stations shall be subject to Special Land Use approval and located in zoning districts which permit gas stations.
- c. All electric vehicle charging stations available to the public must be operable and kept in good repair.
- d. Electric vehicle charging stations located on a residential lot shall not be open to the public or used for commercial activity.
- e. Sites with four (4) or more electric vehicle charging stations shall provide at least one (1) barrier-free electric vehicle charging space.
- f. The property owner may determine if non-electric vehicles will be permitted or barred from parking spaces dedicated to electric vehicle charging stations.

#### 2. Locational Standards for Electric Vehicle Charging Stations.

- a. Where possible, electric vehicle charging stations should be located adjacent to each other to reduce the amount of electrical infrastructure necessary to serve them. In non-residential districts, electrical infrastructure shall be located underground.
- b. In non-residential districts where electric vehicle charging stations are installed, adequate site lighting shall be provided.
- c. Adequate charging station equipment protection, such as bollards, shall be used in accordance with requirements in the National Electric Code.
- 3. **Usage Fees**. An owner of a charging station is not prohibited from collecting a fee for the use of a charging station, in accordance with applicable state and federal regulations. Fees shall be prominently displayed on the charging station.

#### 4. Signage.

- a. Electric vehicle charging station voltage and amperage levels, fees, and safety information shall be displayed on charging station equipment.
- b. Signs may be free standing or placed on accessory structures pursuant to Article 4.

# Public Comment -Any Topic

## Adjournment