

- AGENDA -

SPECIAL MEETING OF THE WEST BRANCH PLANNING COMMISSION TO BE HELD AT THE WEST BRANCH CITY HALL, 121 N. FOURTH ST. ON FRIDAY, APRIL 14TH, 202, BEGINNING AT 6:00 PM

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance.
- IV. Public Hearing
 - A. Special use permit, Richard Wing.
- V. Additions to the Agenda
- VI. Public Comment – Agenda Items Only – 3 Minute Limit (general rule)
- VII. Approval of Minutes from April 11, 2023
- VIII. Site Plan review
 - A. ZP 22-29. Richard Wing
- IX. Sign Permit
- X. Unfinished Business
- XI. New Business
- XII. Communications
- XIII. Reports and/or comments
 - A. Chairperson Report
 - B. Member Reports
 - C. Zoning Administrator Reports
- XIV. Public Comment – Any Topic – 3 Minute Limit (general rule)
- XV. Adjournment

Next Meeting- Tuesday, May 9th at 6:00pm

Call to Order

Roll Call

**Pledge of
Allegiance**

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 hold a Special meeting on the following date, time and place:

DATE: Friday, April 14, 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 a special use permit for an adult use marijuana retail business.

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. 4th St., West Branch, MI 48661; email: clerk@westbranch.com.

Public Hearings

CITY OF WEST BRANCH
NOTICE OF PUBLIC HEARING

The West Branch Planning Commission will hold a public hearing during a special meeting scheduled for Friday, April 14, 2023 at 6:00 p.m. in the Council Chambers of City Hall, 121 N. Fourth St., West Branch, MI. The topic of the public hearing is to take comment on a special use permit. The applicant, Richard Wing, owner of Wing Properties LLC, is seeking a use permit to allow a marijuana retail center in the General Business District (GB). The location of the proposed business is 109 Plaza Dr. Written comments may be mailed or dropped off at City Hall at the above address or emailed to citymanager@westbranch.com prior to the public hearing. The public may appear at the public hearing in person or by counsel. 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 Manager/Planning secretary, John Dantzer at (989) 345-0500; 121 N. 4th St., West Branch, MI 48661; email: citymanager@westbranch.com.



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

APPLICATION TO CHALLENGE ZONING DECISION

Name of Applicant RICHARD C WING (WING PROPERTIES LLC.)

Address 1785 W DOYLE TRAIL WEST BRANCH MI 48653

Phone Number 614-600-0723 Email Address RWING1@HOTMAIL.COM

If application is completed by a person other than the owner of the property in question, please use the back of this form to state the interest the applicant has in the property, and also indicate whether the applicant has permission from the property owner to challenge a zoning decision on the property owner's behalf.

Property address/location 109 A PLAZA DR. WEST BRANCH MI 4866

Description of initial zoning request SPECIAL USE PERMIT

Reason initial zoning request was denied _____

Action requested:

- ☐ Appeal of decision to higher board [\$250 fee]
☒ Special use permit [\$250 fee]
☐ Variance [\$250 fee]
☐ Amendment to zoning ordinance [\$250 fee]

By signing below, I, the aforementioned applicant, do hereby certify that all foregoing statements and attached supporting documents, including site plans, are true and correct, to the best of my knowledge.

Richard C Wing
Signature of Applicant

3-3-23
Date

Fee Paid \$ _____

Fee Received By _____ *For Office Use Only*

Date Paid _____ Final Disposition _____



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Phone 989-345-0500, Fax 989-345-4390, e-mail clerktreasurer@westbranch.com
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ZONING AND USE PERMIT APPLICATION

Applicant: Contractor ☐ Homeowner ☐

Property Owner: RICHARD C WING (WING PROPERTIES LLC)

Mailing address: 1785 W DOYLE TRAIL ROSCOMMON MI 486

Phone Number: 614-600-0723 Property ID # _____

Project Address: 109 A PLAZA DR WEST BRANCH MI 4866

Contractor Name: N/A

Contractor Address: _____

Contractor Phone: _____

Use _____

Type of Improvement (please circle one)

a) Garage b) Shed c) Fence d) Deck e) Addition f) Residence/Building g) Use h) Other

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

Length _____ Width _____ Height _____

Setbacks:

Front _____ Rear _____ Sides _____

Applicant Signature: Richard C Wing Date: 3-3-23

(See reverse for site plan sketch area)

NO CHANGE TO FOOTPRINT OF BUILDING

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. ZP 23-01

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

S:\Forms -8-27-20



121 North Fourth Street, West Branch, Michigan 48661
Phone 989-345-0500, Fax 989-345-4390, e-mail citymanager@westbranch.com
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3/27/23

TO: Owner/Occupant
FROM: City of West Branch Planning Commission
RE: Notice of Special Use Permit Application

This letter is to notify you that a property within 300 feet of your property has submitted an application for a special use permit. The permit is for a marijuana retailer business at 109 Plaza Dr. which is located in our General Business District. Public Act 110 of 2006, as amended, requires notification of all property owners within 300 feet of the boundary of a property which is proposed for a special use. The General Business District provides for the regional community commercial and service needs of West Branch and for the orderly development and concentration of such uses. A copy of the plans is available for review online at www.westbranch.com or at West Branch City Hall, 121 N. Fourth St., West Branch, MI 48661

The City of West Branch Planning Commission will hold a public hearing to take comment on the special use application. The public hearing will be held at the West Branch City Hall at 121 N. Fourth Street, West Branch, Michigan 48661 on Friday, April 14, 2023 at 6:00 pm. Written comments may be sent to City Manager, John Dantzer, at any of the above address prior to the public hearing. The public may appear at the public hearing in person or by counsel.

Wing Properties LLC
Interior Remodel
109 Plaza Drive, Suite A West Branch, MI 48661

General Notes

- 1. CONTRACTOR TO REVIEW PLANS PRIOR TO CONSTRUCTION. DISCREPANCIES TO BE SUBMITTED TO ARCHITECT
- 2. DO NOT SCALE DRAWINGS. VERIFY ANY DIMENSIONS WITH ARCHITECT
- 3. CONTRACTOR TO COORDINATE REQUIRED M.E.P. REQUIREMENTS WITH ALL PROVIDED EQUIPMENT, APPLIANCES, AND FIXTURES (IF ANY)
- 4. SAFETY CEILING (TYPED) SHALL BE REQUIRED IN ALL HAZARDOUS LOCATIONS (IF ANY)
- 5. EXISTING BUILDING ENVELOPE PROVIDED APPROVED FLASHING MATERIALS TO ATTACHED LOCATIONS TO MAINTAIN WATER TIGHT AND
- 6. ALL RESTROOMS SHALL HAVE AN EXHAUST FAN VENTED TO EXTERIOR (IF ANY)
- 7. ALL EXISTING LIGHTS AND EMERGENCY LIGHTS SHALL BE EQUIPPED WITH BATTERY BACKUP (IF ANY)

Westward Architecture
2036 Fischer Road
Gaylord, Michigan
westwardarchitecture.com



Documents Prepared by:
Westward Architecture
License # 328820932

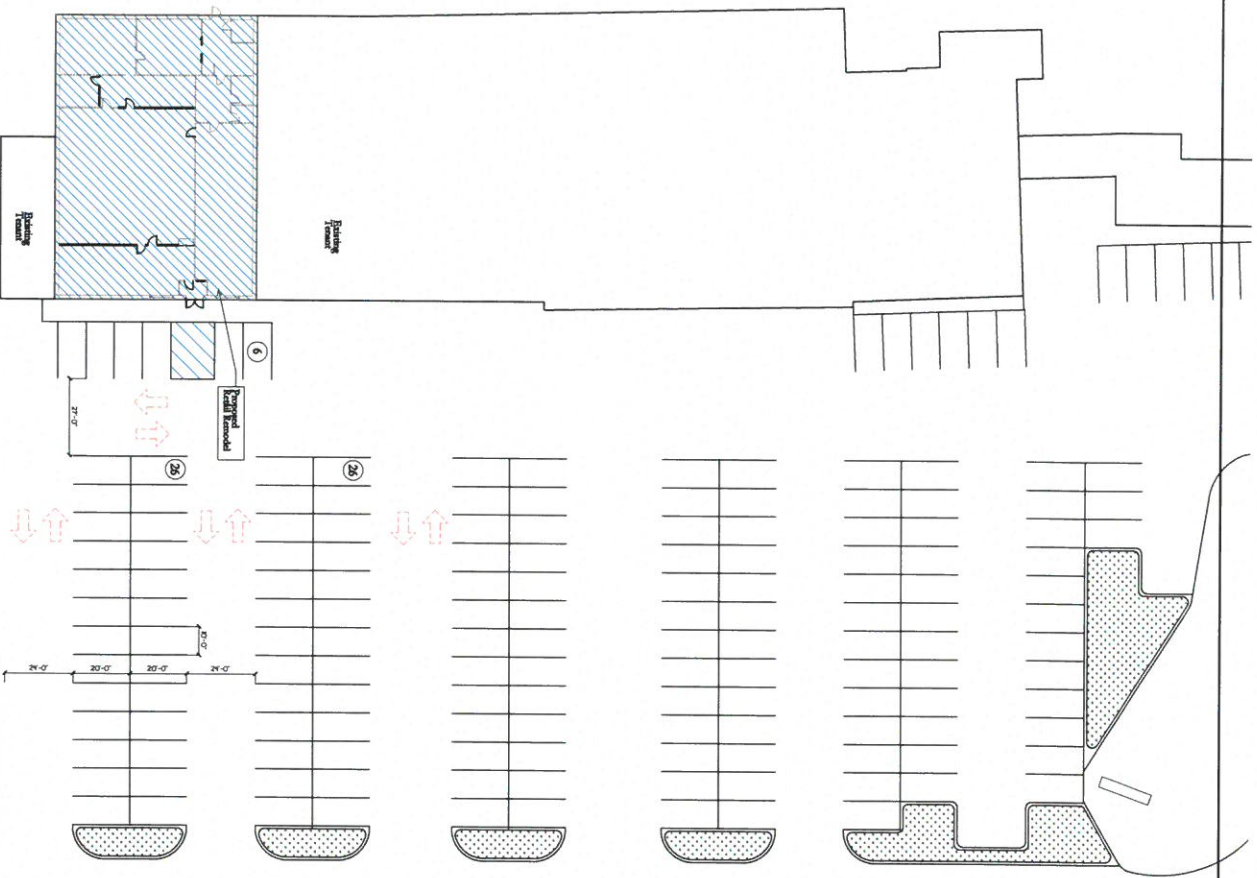
Code Review

Scope of Work:	Interior Remodel of existing single story retail format restaurant into Retail providing counter, including new flooring, painting, lighting, and upgrades to existing restrooms
Building Code:	2015 Michigan Building Code
Type of Construction:	3B
Use Group:	M - Mercantile (Change of use)
Adorable Height & Area:	1 Story and 9,000 sq. ft.
Adorable Height & Area:	1 Story and 8,177 sq. ft.
Maximum Travel Distance:	300' per MRC Table 1007.2
Fire Suppression System:	None required
Fire alarm:	None required
Design Loads:	(Minimum design loads listed (if required) per) = 115 psf Dead Load = 10 psf (10 psf to quality) Live Load = 40 psf (40 psf to quality) Wind = 40 psf (40 psf to quality)

Sheet Index

TS	Title Sheet
SP	Site Plan
SP	Site Plan with satellite image
D1	Floor Plan - Demolition
A1	Floor Plan - Alterations

Chris Shingleton, Owner



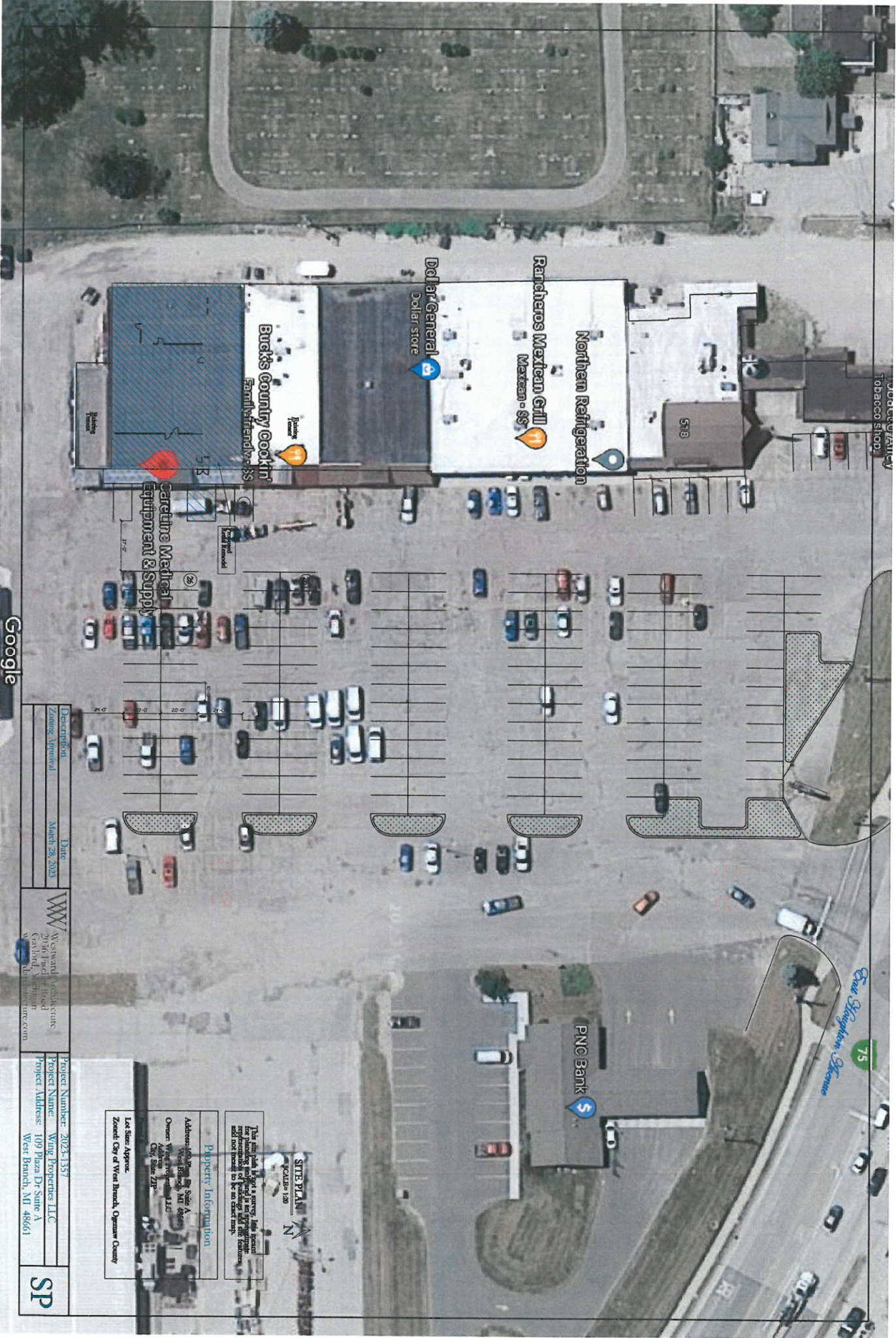
SITE PLAN
SCALE=1/20

This site plan is not a survey. It is meant to show the general location of buildings and site features, and not meant to be an exact map.

Property Information

Address: 109 Plaza Dr Suite A
West Branch, MI 48661
Owner: Wing Properties LLC
City, State ZIP
Parcel #: 109-00000000000000000000
Lot Size: Approx.
Zoned: City of West Branch, Openway County

Description	Date	Project Number	Project Name	Project Address	SP
Zoning Approval	March 28, 2023	2023-1357	Wing Properties LLC	109 Plaza Dr Suite A West Branch, MI 48661	
Westward Architecture 21161 Fischer Road Gaylord, Michigan westwardarchitecture.com					



Google

Description	Date	Project Number	Project Name	Project Address	SP
Zoning Approval	March 28, 2023	2023-1357	Wing Properties LLC	109 Plaza Dr Suite A West Branch, MI 48661	

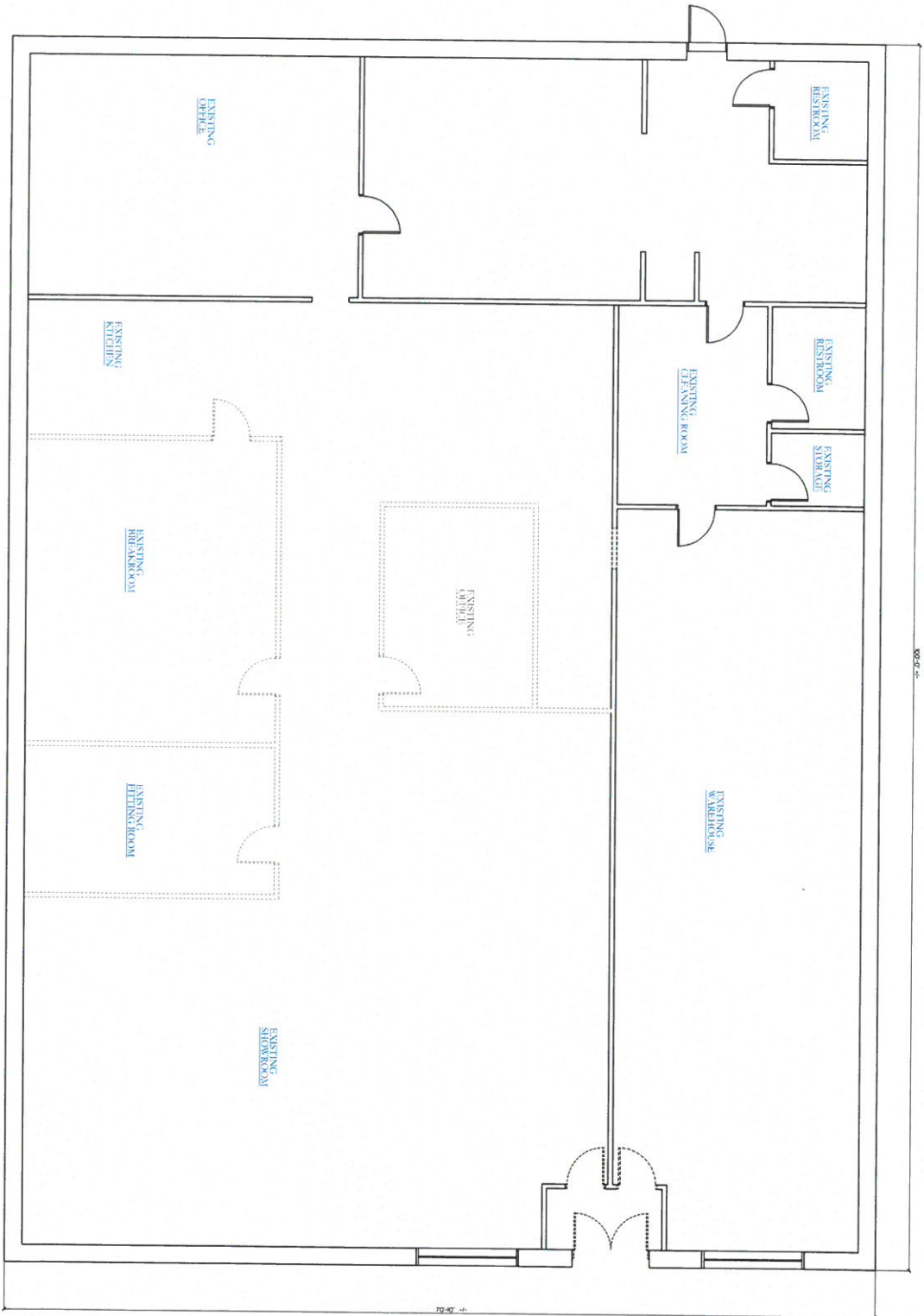
Property Information

This site plan is for a property, and it is not a representation of the property and the features and not intended to be an exact map.

Address: 109 Plaza Dr Suite A
West Branch, MI 48661
Owner: Wing Properties LLC
City, State, ZIP

Lot Size: Approx.
Zoned: City of West Branch, Otsego County

SITE PLAN
Scale: 1" = 20'

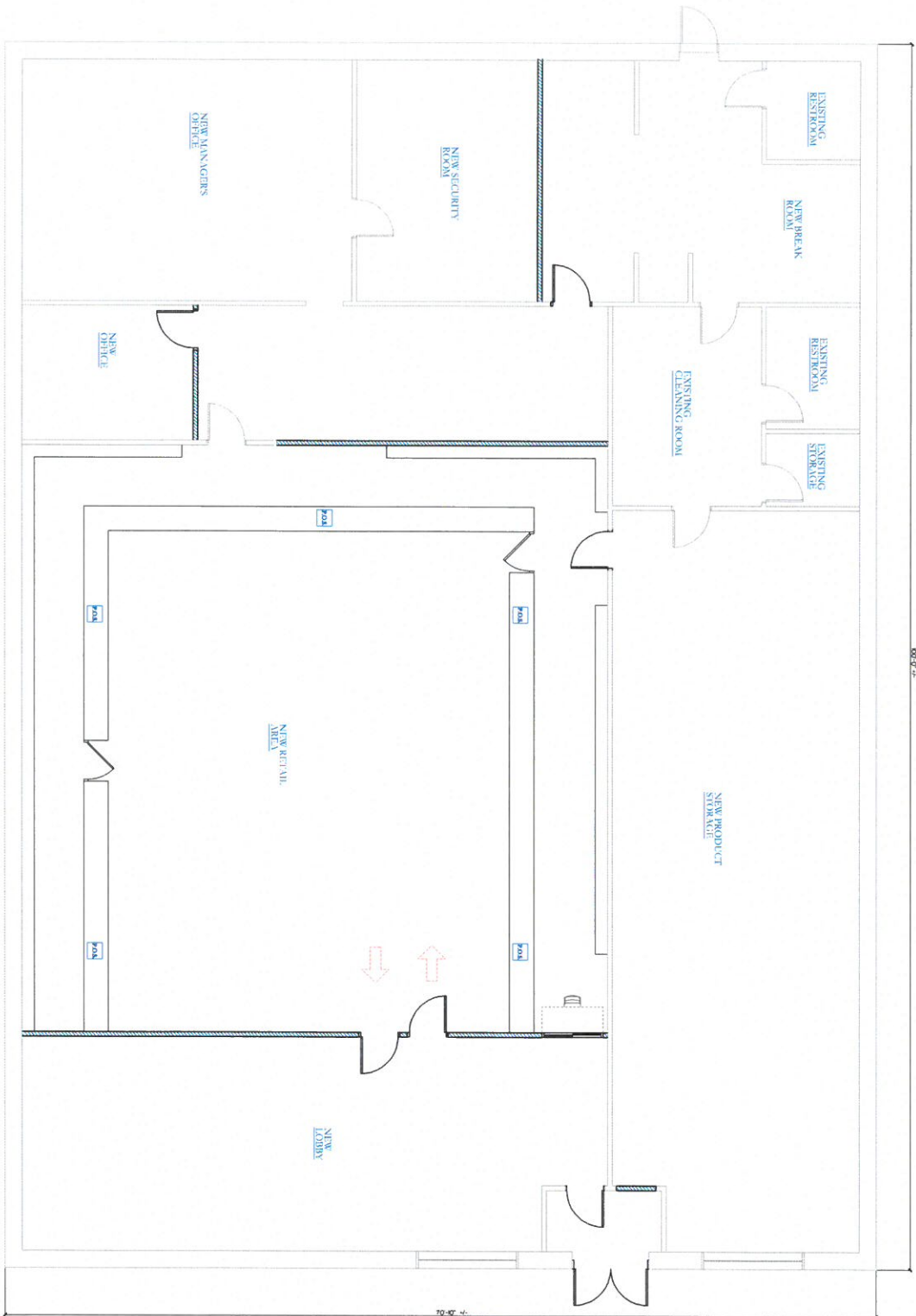


FLOOR PLAN- DEMOLITION

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

Approx. 7,000 sq. ft.

Description	Date	Project Number: 2023.1357	 Westward Architecture 2036 Fritchier Road Canton, Michigan www.wardarchitecture.com	Project Name: Wing Properties LLC Project Address: 109 Plaza Dr Suite A West Branch, MI 48661	D1
Zoning Approval	March 28, 2023				



FLOOR PLAN- ALTERATIONS

SCALE: 1/8" = 1'-0"

Approx. 7,000 sq. ft.

Description	Date	Project Number: 2023-1357	Project Name: Wing Properties LLC
Zoning Approval	March 28, 2023	Project Address: 109 Plaza Dr Suite A	West Branch, MI 48661
<p>Westward Architecture 2756 Fischer Road Cathlamet, Michigan westwardarchitecture.com</p>			

Zoning Administrator review for Richard Wing Special use and zoning

LOT/BUILDING RESTRICTIONS

The proposed business will be using the existing building and will not be changing the footprint of the building. The building is located in the general business district which requires a 25' setback on the front and back and 20' on the sides. The current building is nonconforming because the structure was built with a 0' setback on all four sides. Section 3.27 of the City's zoning ordinance deals with nonconforming structures. Below are the rules from that section that deal with nonconforming structures.

C. Change in Tenancy or Ownership. There may be a change of tenancy, ownership, or management of any existing nonconforming uses or structures provided there is no change in the nature or character of such nonconforming uses except in conformity with the provisions of this Ordinance. (With the change in ownership, as long as he is not changing the footprint of the building, he is allowed to keep the nonconformity.)

D. Repair of Nonconforming Structure or Building Used for Nonconforming Use. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Official or to comply with barrier-free requirements of the Americans with Disabilities Act (a variance may be required). Nothing in this Ordinance shall prevent any alteration, improvement or repair as required by the Health Department as necessary to protect the public health, safety, and welfare. (This would allow for the interior remodeling which may require some changes to the layout to conform to current health regulations or building requirements.)

E. Nonconforming Structures. 1. Alterations to Nonconforming Structures. Alterations to nonconforming structures are permitted, however no structure may be enlarged or structurally altered in such a way as to increase its nonconformity. A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another. (His alterations to the building would only be visual in nature only and not enlarge or change the structure. The redoing of the exterior does not increase any nonconformity)

PARKING REQUIREMENTS

The building is supported by a large shared plaza center parking lot. There will be no issues with parking. The parking lot has its own snow storage plan.

MISCELLANEOUS REQUIRMENTS

DPW Superintendent, Mike Killackey, looked over the plans and has no issues with the plans.

Chief Walters was shown the plans and he has no issues with the plan.

The building is 565' to the parking lot of the Little League fields so it is farther than the 500' requirements to any park, child care, education building, or addiction treatment center.

CONCLUSION

As per Section 6.5 of the zoning ordinance Special Use Approval Standards. The following regulations must be considered to approve a special use.

A. General.

1. The property subject to the application is located in a zoning district in which the proposed Special Land Use is allowed. (Marijuana retail is allowed in the General Business district as a special use)
2. The proposed use will be harmonious and in accordance with the general objectives or any specific objectives of the Master Plan. (The plan does fall in line with the Master Plan with it including the updating of aging buildings, improving the quality of life for the community, and promoting public health, safety, and welfare for the region's citizens)
3. The proposed use will be consistent with the intent and purposes of this Ordinance. (The plan does not have any violations of the ordinance)

B. Compatibility with Adjacent Uses.

1. The proposed use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area. (They will be using the existing building so it will not change the appearance or character of the area. They will be making improvements to the exterior to improve the overall look of the building.)
2. The proposed use will not be hazardous or disturbing to existing uses or uses reasonably anticipated in the future and shall not disrupt the orderly and proper development of the neighborhood as a whole. (Concerns have been raised with the potential for possible odor that can be released from a marijuana center. The plan does call for specialization filters to be used in the remodeling of the building to prevent any potential odor issues. Other than the possible odor, I do not see anything that would create any hazards to the community nor will it disrupt or cause issues for future development.)
3. The proposed use will be an improvement in relation to property in the immediate vicinity and to the City as a whole. (The plan calls for the exterior of his building to be remodeled which will improve the aesthetics of the area while increasing the taxable value of the City)

C. Public Services.

1. The proposed use will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility. (The plan can be served by the existing public infrastructure)
2. The proposed use will not create excessive additional public costs and will not be detrimental to the economic welfare of the City. (The plan will not create any additional public costs nor be detrimental to the City's economic welfare. It will actually improve the economic welfare of the City by increasing the taxable value of the property. The plan will also increase the revenues sharing with the State.)

D. Impact of Traffic on Street System.

1. The location and design of the proposed use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. (There is the possibility that the area could see some increase in traffic; however, I don't believe the plan will cause a significant impact to the street operation. The owner has discussed working with MDOT to get their thoughts on the entrance and exits of the plaza. They may look at eliminating the first entrance, requiring everyone to use the light at the far east end of the plaza which could increase the traffic safety)
2. The proposed use shall not cause traffic congestion, conflict, or movement in greater proportion to that normally prevailing for the use in the particular zoning district. (Other than a possible slight increase in volume, the plan will not create any additional traffic concerns)

I have not received any correspondence from anyone in the public on this issue.

Because all of the special use standards were met and I don't not see any issues with the plans nor do I see anything in violation of our ordinance, I would recommend approval of the special use permit and site plan as submitted.

We would need a motion to approve the special use permit submitted by Richard Wing for the property commonly known as 109 Plaza Dr. because the plan meets all of the general requirements for a special use, is compatible with the adjacent uses, does not burden public services, and does not impact traffic safety.

We would also need a motion to approve site plan ZP 23-01 for Richard Wing as submitted.

**City of West Branch
Ordinance No. 22-01 of 2022**

An ordinance to amend the City of West Branch Zoning Ordinance Section 2.2 (Specific Terms), Section 4.7 (Office Service District), Section 4.9 (General Business District), Section 4.10 (Industrial District), Section 4.11 (Full Table of Permitted & Special Land Uses), and Section 7.26 (Marihuana Facilities and Establishments).

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

Section 1: Additions and deletions to the City of West Branch Zoning Ordinance Section 2.2 (Specific Terms), Section 4.7 (Office Service District), Section 4.9 (General Business District), Section 4.10 (Industrial District), Section 4.11 (Full Table of Permitted & Special Land Uses), and Section 7.26 (Marihuana Facilities and Establishments)

That the City of West Branch Zoning Ordinance, Section 2.2 (Specific Terms), is hereby amended to read as follows:

MARIHUANA: In addition to the following definitions, the City adopts all definitions contained in any of the State rules, regulations, statutes, and administrative code enacted for the purpose of regulating marihuana facilities and establishments.

- A. **DEPARTMENT:** The Department of Licensing and Regulatory Affairs or any successor agency.
- B. **ENCLOSED, LOCKED FACILITY:** That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act, being MCL 333.26423).
- C. **MARIHUANA ESTABLISHMENT:** An enterprise at a specific location at which a licensee is licensed to operate under **Initiated Law 1 of 2018, Medical Regulation and Taxation of Marihuana Act**, MCL 333.27951 et seq.; including a marihuana grower, marihuana microbusiness, marihuana processor, marihuana retailer, marihuana secure transporter, or marihuana safety compliance facility.
 - 1. **MARIHUANA GROWER:** A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments. For the purposes of this Ordinance, “marihuana grower” and “grower” may be used interchangeably.
 - 2. **MARIHUANA MICROBUSINESS:** A person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
 - 3. **MARIHUANA PROCESSOR:** A person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to

marihuana establishments. For the purposes of this Ordinance, “marihuana processor” and “processor” may be used interchangeably.

4. **MARIHUANA RETAILER**: A person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
 5. **MARIHUANA SECURE TRANSPORTER**: A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments. For the purposes of this Ordinance, “marihuana secure transporter” and “secure transporter” may be used interchangeably.
 6. **MARIHUANA SAFETY COMPLIANCE FACILITY**: A person licensed to test marihuana, including certification for potency and the presence of contaminants. For the purposes of this Ordinance, “marihuana safety compliance facility” and “safety compliance facility” may be used interchangeably.
- D. **MARIHUANA FACILITY**: An enterprise at a specific location at which a licensee is licensed to operate under **2016 PA 281, Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq.; including a grower, processor, provisioning center, secure transporter, or safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the **Michigan Medical Marihuana Act**, MCL 333.26421 et seq.
1. **GROWER**: A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center. For the purposes of this Ordinance, “marihuana grower” and “grower” may be used interchangeably.
 2. **PROCESSOR**: A licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center. For the purposes of this Ordinance, “marihuana processor” and “processor” may be used interchangeably.
 3. **PROVISIONING CENTER**: A licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan medical marihuana act is not a provisioning center for purposes of this act.
 4. **SAFETY COMPLIANCE FACILITY**: A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility. For the purposes of this Ordinance, “marihuana safety compliance facility” and “safety compliance facility” may be used interchangeably.

5. **SECURE TRANSPORTER**: A license that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee. For this Ordinance, “marihuana secure transporter” and “secure transporter” may be used interchangeably.
- E. **MARIHUANA**: That term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.
- F. **MEDICAL USE**: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.
- G. **PERSON**: An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- H. **PHYSICIAN**: An individual licensed as a physician under Part 170 of the Public Health Code, 1978 PA 368, MCL 333.17001—333.17084, or an osteopathic physician under Part 175 of the Public Health Code, 1978 PA 368, MCL 333.17501—333.17556.
- I. **PRIMARY CAREGIVER**: That term defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act, being MCL 333.26423) who is at least 21 years old and who has been registered by State Department of Licensing and Regulatory Affairs or any successor agency to assist with a Qualifying Patients’ use of medical marijuana.
- J. **PRIMARY CAREGIVER FACILITY**: A building in which the activities of a Primary Caregiver are conducted.
- K. **QUALIFYING PATIENT**: That term defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act, being MCL 333.26423) who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marijuana Act and who has obtained a duly issued registry identification card from the State Department of Licensing and Regulatory Affairs or any successor agency.
- L. **REGISTRY IDENTIFICATION CARD**: A document issued by the department that identifies a person as a registered qualifying patient or registered primary caregiver.

That the City of West Branch Zoning Ordinance, Section 4.7 (Office Service District), is hereby amended to read as follows:

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right	O-S
S = Permitted with a Special Use Permit	
*supplemental development regulations	
Commercial, Services & Retail	
Provisioning Center or Marihuana Retailer	S*
Marihuana Safety Compliance Facility	S*

That the City of West Branch Zoning Ordinance, Section 4.9 (General Business District), is hereby amended to read as follows:

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	G-B
Commercial, Services & Retail	
Provisioning Center or Marihuana Retailer	S*

That the City of West Branch Zoning Ordinance, Section 4.10 (Industrial District), is hereby amended to read as follows:

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	IND
Commercial, Services & Retail	
Marihuana Grower (Class A, Class B, or Class C)	S*
Provisioning Center or Marihuana Retailer	S*
Marihuana Processor	S*
Marihuana Secure Transporter	S*

That the City of West Branch Zoning Ordinance, Section 4.11 (Full Table of Permitted & Special Land Uses), is hereby amended to read 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
Commercial, Services & Retail							
Marihuana Grower (Class A, Class B, or Class C)							S*
Provisioning Center or Marihuana Retailer				S*		S*	S*
Marihuana Processor							S*
Marihuana Safety Compliance Facility				S*			
Marihuana Secure Transporter							S*

That the City of West Branch Zoning Ordinance, Section 7.26 (Marihuana Facilities and Establishments), is hereby added to read as follows:

A. General Standards and Submission Requirements.

1. Marihuana facilities and establishments shall remain in compliance with the State of Michigan licensing requirements.

2. Marihuana facilities and establishments shall receive a license from the City prior to operating and shall continue to comply with the City of West Branch Marihuana Facility and Marihuana Establishment Licensing Ordinance No. 22-02.
3. The following shall be submitted in conjunction with the licensing application:
 - a. **Site Plan.** Site Plan pursuant to **Article 5** and **Article 6**.
 - (1) Site Plan should show public, private, and secured areas.
 - (2) For growers, the site plan must also show secured areas and any type of outdoor storage.

B. Standards.

1. **Compliance with State Regulations.** Each marihuana facility or establishment shall be operated in compliance with the laws and provisions of the State of Michigan.
2. **Location.** Each marihuana facility or establishment shall be operated only from the premises approved on the site plan. No marihuana facility or establishment shall be permitted to operate from a movable, mobile or transitory location, except for a permitted and licensed marihuana secure transporter when engaged in the lawful transport of marihuana.
3. **Co-Location.** A marihuana grower, marihuana processor and a marihuana retailer may operate from within a single facility operating pursuant to the **Medical Regulation and Taxation of Marihuana Act** and may operate from a location shared with a marihuana facility(s) operating pursuant to the **Medical Marihuana Facilities Licensing Act** and the rules of the State. Co-location may only occur if all uses are allowed in the zoning district in which the property is located.
4. **Indoor Operation Required.** All activities of marihuana facilities or establishments, including, without limitation, distribution, growth, cultivation, processing, transfer, or sale of marihuana, and all other related activity permitted under the permit holder's license or permit must occur indoors. The establishment operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no abatable nuisance odor is detectable at the property line of the permitted premises. with the exception of secure transporters, the establishments operation and design shall minimize any impact to adjacent uses, including the control of odor by maintaining and operating an air filtration system as follows:
 - a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - b. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - c. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

- d. An alternative odor control system is permitted if the special land use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
5. **Separation Distances.** Marihuana facilities and establishments shall not be located within five hundred (500) feet of any building used for education, child care, park, or addiction treatment purposes (herein referred to as “eligible buildings”) whether or not those eligible buildings are in the City of West Branch. This measurement shall be the distance from any building in which the facility or establishment is operating and an eligible building on another lot or to the lot line of a park. These required separation distances cannot be waived except as allowed below:
- a. The application shall provide evidence that all eligible buildings within the separation distance area have been notified by the applicant of the intent to seek a waiver from the separation distance requirements. Failure to satisfy this requirement may be grounds to deny a proposed separation distance waiver.
 - b. If an objection is not filed by the owners or tenants of an eligible building, the Planning Commission may waive the required separation distance, at the public hearing, in accordance with the standards provided in subsection (c).
 - c. The Planning Commission may grant a reduction in the separation distances upon finding that granting the reduced separation distance:
 - (1) will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties or impair quality of life.
 - (2) will not otherwise impair the public health, safety and general welfare of the residents.
 - (3) Will not damage the neighborhood character.
 - d. Prior to granting the waiver, signed statements shall be required from each impacted property owner (whose property contains an eligible building within five hundred (500) feet of the proposed facility) which indicate that each owner of the property is aware of and in agreement with the waiver. All owners listed in the City tax records shall sign the statement.

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 Zoning 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

City of West Branch Clerk

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. 22-02 of 2022 of the City of West Branch, adopted by at a meeting of the City Council held on April 18, 2022.

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

Adopted: April 18, 2022 Published: April 28th, 2022 Effective: May 5, 2022 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 citymanager@westbranch.com
The City of West Branch is an equal opportunity provider, employer, and lender

3/27/22

Richard Wing
1785 W. Doyle Tr.
Roscommon, MI 48653

Mr. Wing

This letter is in reference to the special use permit submitted on behalf of Wing Properties LLC which is to be located at 109 Plaza Dr. The property is located in our general business district in which marijuana retail centers are allowed by special use. According to the Michigan Planning and Zoning Enabling Act, the special use process will require us to hold a public hearing and to notify any landowners within 300' to give them an opportunity to speak on the project if they wish to. I have already reviewed your plans and see no zoning issues with them. The meeting to approve the site plan and special use will be held Friday, April 14, 2023 at 6:00 pm at City Hall. The Planning Commission would request your attendance or someone to attend on your behalf, to answer any questions that may be posed. The failure to have any questions answered could possibly delay a decision. Feel free to reach out to me with any questions you may have.

Best regards,

John Dantzer, City Manager



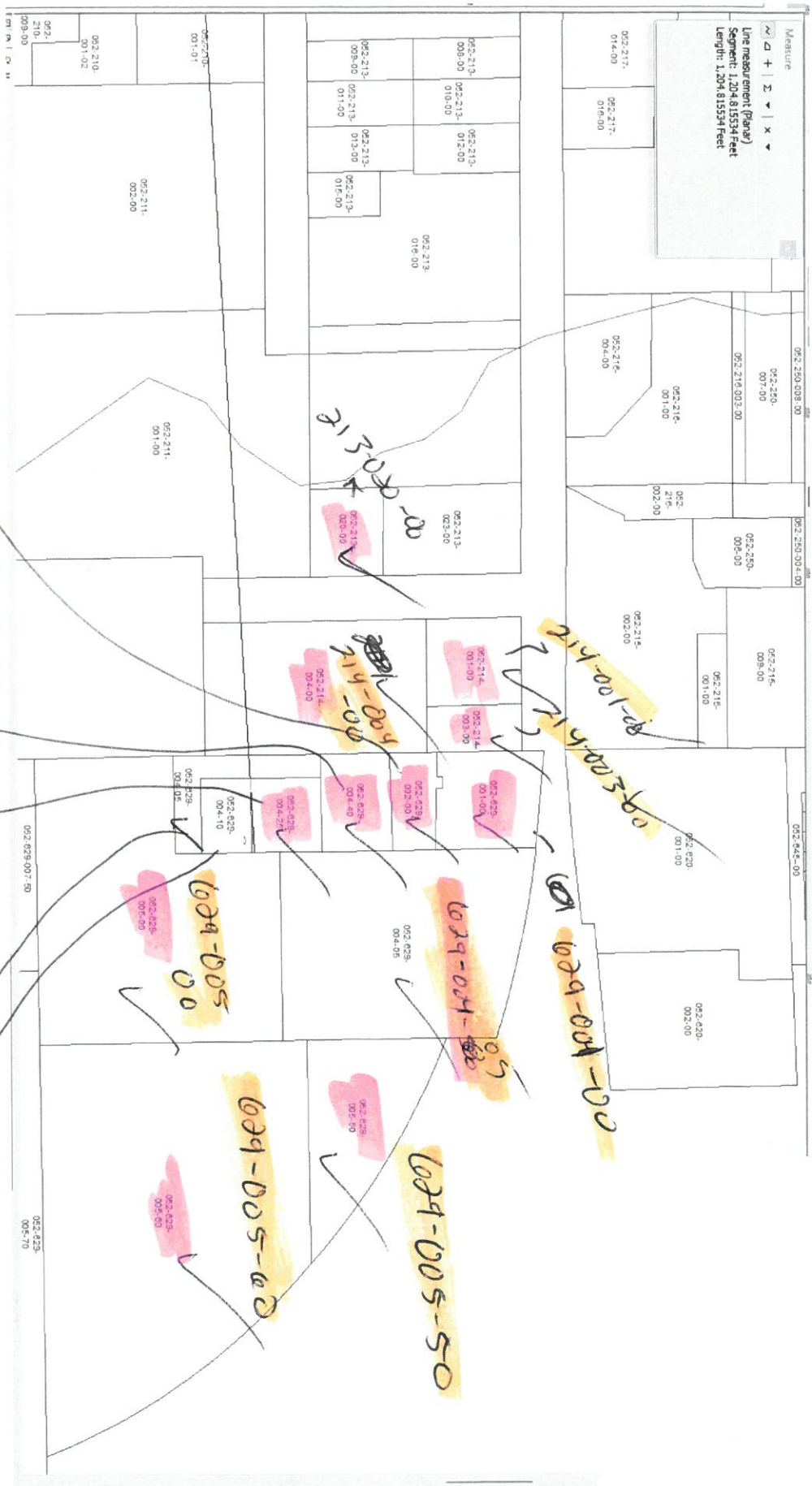
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3/27/23

TO: Occupant
FROM: City of West Branch Planning Commission
RE: Notice of Special Use Permit Application

This letter is to notify you that a property within 300 feet of your property has submitted an application for a special use permit. The permit is for a marijuana retailer business at 109 Plaza Dr. which is located in our General Business District. Public Act 110 of 2006, as amended, requires notification of all property owners within 300 feet of the boundary of a property which is proposed for a special use. The General Business District provides for the regional community commercial and service needs of West Branch and for the orderly development and concentration of such uses. A copy of the plans is available for review online at www.westbranch.com or at West Branch City Hall, 121 N. Fourth St., West Branch, MI 48661

The City of West Branch Planning Commission will hold a public hearing to take comment on the special use application. The public hearing will be held at the West Branch City Hall at 121 N. Fourth Street, West Branch, Michigan 48661 on Friday, April 14, 2023 at 6:00 pm. Written comments may be sent to City Manager, John Dantzer, at any of the above address prior to the public hearing. The public may appear at the public hearing in person or by counsel.



PROPERTY ID#	OWNER	CARE OF	ADDRESS	CITY	STATE	ZIP	OCCUPANT(S)
629-001-00	GUSTAV HOBOHM ESTATE		2214 EASTMAN AVE	MIDLAND	MI	48640	
629-002-00	GUSTAV HOBOHM TRUST		2214 EASTMAN AVE	MIDLAND	MI	48640	
	WEST BRANCH PROVISIONING CENTER, LLC		518 E. HOUGHTON AVE	WEST BRANCH	MI	48661	
	WEST BRANCH PROVISIONING CENTER, LLC		10248 W. JEFFERSON AVE	RIVER ROUGE	MI	48218	
629-004-40	TEMPLE REAL ESTATE HOLDINGS LLC		6775 DALY RD STE 101	WEST BLOOMFIELD	MI	48322-4592	A-B
629-004-25	CS BUCK INVESTMENT LLC		3110 MCKELLAR RD	ROSE CITY	MI	48654-9475	
629-004-05	HOBOHM JEAN R		5172 DREAM DR	WEST BRANCH	MI	48661-8918	C
629-005-00	WEST BRANCH DEVELOPMENT PROPERTIES LLC	C/O MIKE SISKIND	510 HIGHLAND AVE #316	MILFORD	MI	48381	
629-005-50	NATIONAL CITY BANK OF MI/IL	C/O NTL TAX SEARCH LLC	130 S JEFFERSON ST STE 300	CHICAGO	IL	60661-5763	
629-005-60	K-S II LLC						
213-020-00	CITY OF WEST BRANCH		121 N. FOURTH ST	WEST BRANCH	MI	48661	
214-001-00	WEST BRANCH PROPERTY LLC		PO BOX 170	AU GRES	MI	48703-0170	
214-003-00	SCOTT BONNIE J (LIFE)		512 E HOUGHTON AVE	WEST BRANCH	MI	48661-1180	
214-004-00	CITY OF WEST BRANCH		121 N. FOURTH ST	WEST BRANCH	MI	48661	
OCCUPANTS							
A	DOLLAR GENERAL		P.O. BOX 182595	COLUMBUS	OH	43218-2595	
B	RANCHEROS		101 PLAZA DR, STE A	WEST BRANCH	MI	48661	
WB PROPERTY RENTER	JT NAILS		522 E. HOUGHTON AVE STE 104	WEST BRANCH	MI	48661	
WB PROPERTY RENTER	OMNICARE	ENGIE INSIGHT SERVICES INC	PO BOX 2440	SPOKANE	WA	99210-244	
WB PROPERTY RENTER	RENT A CENTER # 1693	ENGIE INSIGHT SERVICES INC	PO BOX 2440	SPOKANE	WA	99210-244	

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, APRIL 11, 2023.

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

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

Absent: Josh Erickson

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

All stood for the Pledge of Allegiance.

**MOTION BY FACHTING, SECOND BY DAVID, TO APPROVE THE MINUTES FROM THE MEETING
HELD MARCH 14, 2023.**

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

No – None

Absent –Erickson

Motion carried

Zoning permit ZP 23-04 for Alexander Limited Partnership was discussed. Ryan Smith from Gemini Capital Management spoke on the plan on behalf of his client Alexander Limited Partnership.

Zoning Administrator Dantzer noted he did not see any issues with the plan other than it called for zero-foot setbacks on all four sides which was not in line with the setback requirements of the CBD district; however, section 3.27(b)(3) of the zoning code allowed the Planning Commission to deviate from the district standards in order to accommodate the preservation of a historic building. That section designates that any building built prior to 1930 may be enlarged, increased, or extended to occupy a greater area of land that was occupied at the effective date of the ordinance provided such approval does not affect surrounding uses or properties. He further recommended approval of the site plan as presented with the deviation of a zero-foot setback on all sides being approved.

Mr. Smith noted the majority of the building in the CBD district were already built to zero-foot setbacks and noted the building was built in the early 1900's and noted a history of the building was included in his plans.

**MOTION BY FACHTING, SECOND BY SHOWALTER, TO APPROVE THE SITE PLAN AS PRESENTED
FOR ZONING PERMIT ZP 23-04, ALEXANDER LIMITED PARTNERSHIP, PROPERTY COMMONLY
KNOWN AS 111 N. THIRD ST. AND TO ALLOW A REAR SETBACK OF ZERO FEET TO ALLOW FOR
THE REDEVELOPMENT OF A HISTORIC BUILDING AS PER SECTION 3.27(b)(3) OF THE ZONING
ORDINANCE.**

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

No – None

Absent –Erickson

Motion carried

* * * * *

Chairperson Lucynski provided an update on the Booze, Bands, and Bike event planned for this summer and noted how proud she was of the support the community provided for the recent procession for the local fallen soldier.

Member DeRoso noted a signed purchase agreement for the old bicycle factory was received. She further noted the developer/purchaser was still working on things such as environmental testing before the sale would be finalized.

Member Jackson noted updates to DTE meters that would be taking place in the town.

Member Fachting noted updates to Spectrum Cable that were available for the community.

* * * * *

Chairperson Lucynski closed the meeting at 6:33 pm

Site Plan Review

Sign Permit

Unfinished Business

New Business

Communications

Reports

Chairman

Members

**Public
Comment
-Any
Topic**

Adjournment