

- AGENDA -

SPECIAL MEETING OF THE WEST BRANCH PLANNING COMMISSION TO BE HELD AT THE WEST BRANCH CITY HALL, 121 N. FOURTH ST. ON TUESDAY, AUGUST 22, 2023, BEGINNING AT 6:00 PM

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance.
- IV. Public Hearing
 - A. Special Use permit for Jenifer Freimark, Northern Gems Therapy
- V. Additions to the Agenda
- VI. Public Comment – Agenda Items Only – 3 Minute Limit (general rule)
- VII. Approval of Minutes from July 25, 2023
- VIII. Site Plan review
 - A. Use and zoning permit Freimark
- 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 Report
- XIV. Public Comment – Any Topic – 3 Minute Limit (general rule)
- XV. Adjournment

Next meeting: Tuesday, September 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 cancel its Regular meeting scheduled for Tuesday, August 8th and will instead schedule a Special meeting on the following date, time and place:

DATE: Tuesday, August 22, 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 a health care clinic in the
Central Business District

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.

Call to Order

Roll Call

**Pledge of
Allegiance**

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 Tuesday, August 22, 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, Jenifer Freimark, owner of Northern Gems Therapy, is seeking a use permit to allow a Health Care Clinic in the Central Business District (CBD). The location of the proposed business is 220 W. Houghton Ave. 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

7/26/23

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 health care clinic to be located at 220 W. Houghton Ave. which is located in our Central 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 Central 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 Tuesday, August 22, 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.



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APPLICATION FOR SPECIAL USE OR VARIANCE

Name of Applicant Jeffery + Jennifer Freimark
Address 1958 Mildred Dr. West Branch, MI 48661
Phone Number 989-701-4909 Email Address northerngemstherapy@gmail.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 220 W. Houghton Ave.
Description of initial zoning request Human Care / Social Assistance Special Use
Permit as a health care clinic
Reason initial zoning request was denied _____

Action requested: OSZ -10 7-001-30

- ☐ 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.

Freimark
Signature of Applicant

6/14/2023
Date

Fee Paid \$ 250.00

Fee Received By [Signature] - For Office Use Only

Date Paid 6/20/23 Final Disposition _____



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RESPONSES RECEIVED ON SPECIAL USE PERMIT

8/3/23

Bob Perlberg was in and noted his concern that the use was not retail in nature and there is a lack of parking to support the business.

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, JULY 25, 2023.

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

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

Absent: Josh Erickson and Cori Lucynski

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

* * * * *

All stood for the Pledge of Allegiance.

* * * * *

At 6:06 pm Vice Chairperson Bod David opened the public hearing to take comment on the proposed changes to the zoning ordinance which would rezone property ID #s 052-625-002-01, 052-625-002-02, 052-625-002-03 from multi-family to industrial.

C. Edward Liang asked what brought about the need for the rezoning for that area. Secretary/administrator Dantzer explained the property was originally planned for a housing development. The developer the City was working with backed out of the plans due to cost and the City has been unable to find anyone else that was interested in a large scale housing development. Since then, the City was approached by a manufacturing firm looking to expand. The City discussed the next best thing to bringing in more housing was bringing in more jobs. Mr. Liang noted he had no concerns and thought it was a great idea and was in favor of it because it would benefit the community by creating jobs for the area.

A letter was shared from William Carey of the Carey Jaskowski Law Firm on behalf of the Brook of West Branch noting their opposition to the change noting concern for the quality of life for the residents of the Brook and concern that it could negatively impact their property values.

Member Showalter noted he believed it is a great opportunity for growth in the City.

Member DeRoso noted there could be a buffer as part of the agreement with the manufacturing developer.

Member Fachting noted the increased activity could give the residents at the Brook more things to watch as they are sitting out.

No one else wished to speak on the subject.

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

Yes — David, DeRoso, Fachting, Jackson, Showalter

No – None

Absent –Erickson, Lucynski

Motion carried

MOTION BY DAVID, SECOND BY FACHTING, TO APPROVE THE MINUTES FROM THE MEETING HELD MAY 9, 2023.

Yes — David, DeRoso, Fachting, Jackson, Showalter

No – None

Absent –Erickson, Lucynski

Motion carried

A sign variance was reviewed for Richard Spies of the West Branch Pharmacy. Mr. Spies was asking for a variance to increase the height from 6' to 8'4" and to allow a total square footage of 40 sf. Zoning Administrator/secretary Dantzer noted there is a grey area in the sign ordinance that deals with message board types signs and monument signs. The ordinance has square footage of each type of sign that is allowed in each district but doesn't state what to do if there is a combination of both types of signs. The board discussed that while the building is in the mixed use district it was in a commercial area and was located adjacent to the general commercial district. They noted they did not see any safety issues nor would it have any negative affect on neighboring properties. It was the consensus to discuss the grey area further during a future update.

MOTION BY FACHTING, SECOND BY JACKSON, TO APPROVE THE SIGN VARIANCE AS REQUESTED AND ALLOW A TOTAL HEIGHT OF 8'4" AND 40 TOTAL SF OF SIGN.

Yes — David, DeRoso, Fachting, Jackson, Showalter

No – None

Absent –Erickson, Lucynski

Motion carried

The Commission went over the Masterplan and discussed any changes that needed to be made. Zoning Administrator Dantzer noted they are scheduled for a complete update in 2024.

MOTION BY FACHTING, SECOND BY JACKSON, THAT THEY DID NOT HAVE ANY UPDATES TO THE MASTERPLAN FOR 2022.

Yes — David, DeRoso, Fachting, Jackson, Showalter

No – None

Absent –Erickson, Lucynski

Motion carried

Member DeRoso noted she would need to abstain from the vote on the rezoning change due to a conflict of interest.

MOTION BY JACKSON, SECOND BY SHOWALTER, TO ALLOW MEMBER DEROSO TO ABSTAIN ON THE REZONING CHANGE.

Yes — David, DeRoso, Fachting, Jackson, Showalter

No – None

Absent –Erickson, Lucynski

Motion carried

* * * * *

The Commission further discussed the potential change from multi family to industrial for the property noted in the public hearing.

Vice Chairperson David noted he was in favor of the rezoning with a greenbelt barrier. Member Fachting noted her concern that using trees or other types of greenbelts don't always hold up over time. The location of the greenbelt to provide the most protection was discussed and it was determined it made the most sense to have the greenbelt on City owned property which would make keeping up on the greenbelt easier because they would not have to rely on other property owners for the maintenance of it.

The Commission went over the future plans for the manufacturing company and noted there would be a large distance between the Brook and their buildings.

The Commission recommended reaching out to the owners of the Brook to discuss the plans. Secretary/Administrator Dantzer noted he was working on setting up a meeting.

Member Fachting noted her only concern was the trucks may use jake breaking which is noisy. It was discussed the trucks typically only run during the day and not at night.

MOTION BY DAVID, SECOND BY JACKSON, TO RECOMMEND TO COUNCIL THE APPROVAL OF THE REZONING WITH A GREEN BELT TO BE REQUIRED BETWEEN THE INDUSTRIAL PROPERTY AND THE BROOK.

Yes — David, DeRoso, Fachting, Jackson, Showalter

No – None

Absent –Erickson, Lucynski

Motion carried

* * * * *

The Commission discussed the potential redevelopment of the old bicycle factory located at 201 N. Eighth St. It was noted that the developer did have an application for a Brownfield grant to help with the environmental review.

MOTION BY FACHTING, SECOND BY JACKSON, TO OFFER THEIR SUPPORT FOR THE BROWNFIELD GRANT FOR THE OLD BICYCLE FACTORY AT 201 N. EIGHT ST.

Yes — David, DeRoso, Fachting, Jackson, Showalter

No – None

Absent –Erickson, Lucynski

Motion carried

* * * * *

Vice Chairperson David noted how well the City looked this summer and commended the City staff for their work.

Member DeRoso gave an update on local real estate transactions in town noting the condo off of Fariview was finished and they had an open house, the condo in W. River Park was started, and she was working on a closing for the bicycle factory. She also noted she was looking at trying to develop a county housing commission to work on housing needs.

Member Fachting addressed wild turkey concerns within the City.

Secretary/Administrator Dantzer noted he did not have anything to address currently for the regular meeting on Aug 8th but did have a special use request that could be held during the time reserved for the second meeting of the month. It was the consensus of the Commission to cancel the Aug 8th meeting and only hold a meeting on Aug 22nd.

* * * * *

Vice Chairperson David closed the meeting at 7:09 pm

Site Plan Review



121 North Fourth Street, West Branch, Michigan 48661
Phone 989-345-0500, Fax 989-345-4390, e-mail
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ZONING AND USE PERMIT APPLICATION

Applicant: Contractor ☐ Homeowner ☒
Property Owner: 220 W. Houghton Ave
Mailing address: 220 W. Houghton Ave
Phone Number: 989 787 0041 Property ID # _____
Project Address: 220 W. Houghton Ave
Contractor Name: Jeff Freimark, Brian Noble
Contractor Address: 1958 Mildred Dr. West Branch, MI 48661
Contractor Phone: 989 965 9129
Use Zoning

Type of Improvement Other

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

Length _____ Width _____ Height _____

Setbacks:

Front _____ Rear _____ Sides _____

Applicant Signature: Jennifer Freimark Date: 8-15-2023

(See reverse for site plan sketch area)

Please see email. Prints are
attached

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. 2P-23-14

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

Zoning Administrator review for Jenifer Freimark-Northern Gems Therapy remodel – 220 W. Houghton Ave.

LOT/BUILDING RESTICTIONS

The parcel is located in the central business district (CBD district) and the building will just have some remodel of the interior of the building. The building will house the Northern Gems Therapy business so the use of the building would fall under the Human Care and Social Assistance heading “Health Care Use” designation which is permitted by special use in the CBD district.

The footprint of the building will not change so we will not need any review of setbacks, lot coverage, building heights, etc.

PARKING REQUIREMENTS

The parking will be accomplished with the on-street parking in front of the building as well as the municipal parking lots throughout town.

CONCLUSION

Based on the plans provided and due to the fact there is not going to be any change to the footprint, it would be my recommendation to approve the plans as submitted. I would also recommend approval of the special use as all of the approval standard requirements of section 6.5 of the zoning ordinance are met.

6.5(A). The health care use is allowed as a special use in the CBD district and is harmonious with the Masterplan and consistent with the planning ordinance

6.5(B). The use is compatible with adjacent uses as we have other health type business in the CBD such as eye care, hearing clinics, and chiropractors and will not have any negative affect on neighboring properties.

6.5(C). The use will not burden city services and can be supported with existing utilities.

6.5(D). The use will not have any impact on traffic as the use should not cause a heavy increase in traffic as customers will typically be by appointment only.

We would need a motion to approve both the special use and site plan as presented for zoning permit ZP 23-14, Jenifer Freimark, Northern Gems Therapy

Sign Permit

Unfinished Business

New Business

Communications

Reports

Chairman

Members

**Public
Comment
-Any
Topic**

Adjournment