

- AGENDA -

SPECIAL MEETING OF THE WEST BRANCH PLANNING COMMISSION TO BE HELD AT THE WEST BRANCH CITY HALL, 121 N. FOURTH ST. ON TUESDAY, JULY 12, 2022, BEGINNING AT 6:00 PM

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance.
- IV. Public Hearing
  - A. Special Use permit – Mark Lewandowski DDS
- V. Additions to the Agenda
- VI. Public Comment – Agenda Items Only – 3 Minute Limit (general rule)
- VII. Approval of Minutes from September 13, 2022
- VIII. Site Plan review
  - A. Mark Lewandowski DDS
  - B. Brian Rang storage buildings
- IX. Sign Permit
- X. Unfinished Business
- XI. New Business
  - A. Excuse Members Showalter and Fachting from the September meeting
- XII. Communications
- XIII. Reports and/or comments
  - A. Chairperson Report
  - B. Member reports
- XIV. Public Comment – Any Topic – 3 Minute Limit (general rule)
- XV. Adjournment

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, September 27th at 6:00 p.m. in the Council Chambers of City Hall, 121 N. Fourth St., West Branch, MI. The topic of the special meeting will be to hold a public hearing to take comment on a special use permit. The applicant, Dr. Lewandowski DDS., is seeking a special use permit to allow the expansion of an existing medical dental office in the mixed used district (MU). The address of the addition is located at 416 and 420 E. Houghton Ave. 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. 4<sup>th</sup> St., West Branch, MI 48661; email: [citymanager@westbranch.com](mailto:citymanager@westbranch.com).



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

## APPLICATION FOR SPECIAL USE OR VARIANCE

Name of Applicant Mark Lewandowski DDS  
Address 420 E Houghton Ave  
Phone Number 989-345-1391 Email Address drlew5@yahoo.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 \_\_\_\_\_

Description of initial zoning request Merge 416 & 420

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.

[Signature]  
Signature of Applicant

9/7/22  
Date

Fee Paid \$ 300-

Fee Received By AKC

Date Paid 9/7/22 Final Disposition \_\_\_\_\_

----- For Office Use Only



10/6/22

**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 to add an addition onto the existing dental office located at 416 and 420 E. Houghton Ave. which is located in our Mixed-Use 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 Mixed-Use District allows a mix of residential, commercial, and office uses and offers more flexibility in use of property. A copy of the plans are available for review 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 recommend approval of the special use. The public hearing will be held at the West Branch City Hall at 121 N. Fourth Street, West Branch, Michigan 48661 on September 27, 2022, at 6:00 pm. Written comments may be sent to John Dantzer at the above address prior to the public hearing. The public may appear at the public hearing in person or by counsel.

REGULAR MEETING OF THE WEST BRANCH PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS  
OF CITY HALL, 121 NORTH FOURTH STREET, ON TUESDAY, SEPTEMBER 13, 2022.

Chairperson Cori Lucynski called the meeting to order at 6:03 p.m.

Present: Bob David, Yvonne DeRoso, Josh Erickson, Cori Lucynski, and Mike Jackson

Absent: Kara Fachting, and Rusty Showalter

Others officers in attendance: City Manager, John Dantzer

\*\*\*\*\*

All stood for the Pledge of Allegiance.

\*\*\*\*\*

**MOTION BY DAVID, SECOND BY JACKSON, TO APPROVE THE MINUTES FROM THE MEETING  
HELD JULY 12, 2022.**

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

**No – None**

**Absent – Fachting, Showalter**

**Motion carried**

\*\*\*\*\*

Chad Deshano presented plans to alter the approved condo plans for the West River Park Condo Association. He noted lots 4 and 5 and lots 20 and 21 would have to be switched from a duplex style to a single tenant building style due to there not being adequate room for the duplex style configuration. It was noted that there was already a mixture of single and duplex style in the association and the buildings would look similar to what has already been built.

**MOTION BY JACKSON, SECOND BY DAVID, TO APPROVE THE CHANGES TO THE CONDO SITE  
PLANS BECAUSE THE CHANGES ARE DETERMINED NOT TO BE A SUBSTANTIAL OR MATERIAL  
CHANGE.**

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

**No – None**

**Absent – Fachting, Showalter**

**Motion carried**

\*\*\*\*\*

Member Lucynski noted the new My Michigan building on Houghton was slightly behind on schedule but should not affect its finish date.

Member David noted how well the town looked this summer.

Member DeRoso noted DeShano Companies has purchased the remaining lots in the Victorian Manor Association and is planning on starting construction on duplexes this fall. Member DeRoso also noted she is continuing to work with a manufacturing company to find property in the County.

Member Erickson noted how good the Branham's Jewelry Store remodel looked.

\* \* \* \* \*

Meeting was adjourned at 6:18 pm



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## ZONING AND USE PERMIT APPLICATION

Applicant: Contractor ☐ Homeowner ☐

Property Owner: Mark Lewandowski DDS

Mailing address: 420 E Houghton Ave

Phone Number: 989-345-1391 Property ID # \_\_\_\_\_

Project Address: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

Contractor Address: Don Blackstad

Contractor Phone: (989) 329-0991

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: Lynn Card Agent Date: 9/7/22

(See reverse for site plan sketch area)

see prints

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

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

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

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

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



## Zoning Administrator review for Lewandowski dental office addition

### LOT/BUILDING RESTRICTIONS

The parcel is located in the mixed-use district (MU district) and the building will be an addition to the existing dental office. The use of the building would fall under the health care and social assistance use which is permitted by special use in the MU district.

The building has a front setback requirement of 15', a rear setback of 15' and side setback of 8'. The building meets all set back requirements with the front setback of 16', rear setback of 32', and side setback that is closest to a lot line (west side) of 38'

The lot coverage of the building is 22% (1,800 building sf/8,176.5 lot sf) which is less than the 60% max allowed.

The building height is single story and less than the maximum of 45' allowed.

### PARKING REQUIREMENTS

In the MU district, parking is not allowed in the front setback without fencing. All parking is planned for the rear setback.

Dental is not listed in chart for parking spaces. I would make the determination that is most commonly aligns itself with the professional services listing which would require 1 parking spot for every 200sf. The building is 1800sf which calls for 9 parking spots. The plan calls for 2 ADA spots and 6 standard spots for a total of 8 spots. As per section 3.29A, it does note that Planning has the right to approve deviations if the deviation is not detrimental to public health, safety, or welfare. It is my recommendation that the parking be approved as is because the building does have an existing parking lot on the lot next to it with another 12 parking spots.

As per section 3.29 E(11), any parking lot that is abutted by residential parking is to be effectively screened on any side that abuts a residential property. There are currently some trees and a partial existing fence that is on the west property line; however, there is a small open section that would be roughly where the parking area is located. It would be my recommendation that a requirement be made to either add some more bushes or add some additional fencing in order to screen/buffer the parking area from the neighbor.

### MISCELLANEOUS REQUIREMENTS

In the mixed-use district, when a non-residential use abuts a residential use screening is required. As per section 3.20B which state buffers are required for nonresidential property on the side which abuts residentially-zoned property or any residential use. A buffer will be required when any nonresidential use is expanded by way of an addition or demolition or a special land use approval is requested or a site plan review is requested. Otherwise, buffers are not required on commercial lots that are already developed as such. A buffer may consist of both physical distance separation and a physical sight, sound and odor separation as described in this chapter by a fence, wall or screen.

(c)Criteria.

(1) Prior to site plan review by the planning commission, the zoning administrator shall make recommendations, if requested by the developer, as to the character of the buffer that may be required at the site.

(2) The planning commission shall determine the character of the buffer based on the following criteria:

- a. Traffic impact.
- b. Increased building and parking lot coverage.
- c. Increased outdoor sales, display and manufacturing area.
- d. Physical characteristics of the site and surrounding area such as topography, vegetation, etc.
- e. Visual, noise and air pollution levels.
- f. Health, safety and welfare of the city.

(3) A buffer may consist of any or all of the following:

- a. *Buffer area distance.* The distance required to be achieved between zones, in addition to the required yard on the side on which a residential district abuts a commercial or industrial district, shall be according to the following table:

District	Distance Between Residential Zone or Use
I	45'
GB	30'
CBD	20'
O-S	20'

- b. *Landscape screen, fence, or wall.* Continuous rolling screen six feet in height comprised of plant material, screen walls or fences or any combination of these elements is required pursuant to the construction standards in subsection (d) of this section. Wall heights may vary as shown in subsection (d) of this section.

The lot does have some trees in the front and existing fence in the middle that does act as a buffer. There is a short break towards the back of the property where the parking area would be. The above distance chart does not list mixed use. The side setback is 38' which is larger than required in all districts except industrial. Because it does have a mixture of trees and fence already and a dental practice does not create a physical sight issue, offensive noise or air pollution, nor would it create a large volume of extra traffic, it would be my opinion to allow the distance factor and existing buffers to be allowed and not require any additional buffers. As noted in the parking section, the back part of the west property line does have an open area and if fencing is required to buffer the parking area, then that would also serve as a property buffer.

The plan does not show any light fixtures on the parking lot so I would assume they would be just using standard lights by all doors as required by the building code. This type of lighting will not create light pollution or spread onto neighboring properties.

The building is less than 10,000 sf so bicycle parking is not required.

The parking lot has less than 25 spots so landscaping requirements are not needed in the parking area.

The plans do show a green belt in the front but do not list specific landscaping which is required as per section 3.21. I would make the recommendation to include in your approval that final landscaping must include some form or mixture of grass, flowers, trees, or shrubbery.

The plans meet the requirements of the driveway according to section 3.29 E(7) and 3.29 E(8)

The plan does not show any snow storage area. I would make the recommendation to have some sort of snow storage plan identified.

The property uses city garbage carts and not a dumpster so they do not need to have dumpster fencing in the plans.

Mike Killackey looked over the plans and has no issues with the plans. He said that currently the snow is stored on the last couple parking spots of the existing parking lot so that may still be the plans.

Chief Walters was shown the plans and he noted there are no line of sight or safety issues with the plan.

#### CONCLUSION

I don't not see any issues with the plans and do not see anything in violation of our ordinance. Other than possible conditions made for an additional buffer to the west, confirmation of a landscaping plan, and confirmation of some kind of snow storage plan, I would recommend approval of the special use permit and site plan as submitted.

## John Dantzer

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**From:** Marty England <marty.england@hyperionmt.com>  
**Sent:** Tuesday, September 13, 2022 4:25 PM  
**To:** John Dantzer  
**Subject:** RE: Public hearing notice

Hey John,

We have no issues with the special use as long as they have no issue with our special use during tournaments a few times a year.

Thanks Marty

### West Branch Little League

President-Marty England  
[Marty.england@hyperionmt.com](mailto:Marty.england@hyperionmt.com)  
989-225-3181

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**From:** John Dantzer <citymanager@westbranch.com>  
**Sent:** Friday, September 9, 2022 4:24 PM  
**To:** Marty England <marty.england@hyperionmt.com>  
**Subject:** Public hearing notice

Hi Marty,

Not sure who should receive this on behalf of Little League so please pass it on or let me know if you want me to send it to someone else. There is an application for a special use permit and I have to notify all landowners within 300'. The notice was mailed to a Karen Buhlman because she is name of record on our tax program and she let me know she is no longer associated with Little League.

Thanks

John Dantzer  
West Branch City Manager  
121 N. Fourth St.  
West Branch, MI 48661  
[citymanager@westbranch.com](mailto:citymanager@westbranch.com)  
Office - 989-345-0500  
Cell – 989-701-5000



Original plans



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## ZONING AND USE PERMIT APPLICATION

Applicant: Contractor ☒ Homeowner ☒

Property Owner: Entity to be formed, Brian Rang

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

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

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

Contractor Name: Self

Contractor Address: Self

Contractor Phone: Self

Use Self-Storage

Type of Improvement Other

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

Length 200 Width 40 Height 12

Setbacks:

Front 45 Rear 25 Sides 25

Applicant Signature:  Date: 8-5-21

(See reverse for site plan sketch area)

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

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

Please note.

\* Approved with a front setback of 48' from the center of the road to the beginning of the 1st building.

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

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

Staff Action: Date 8/10/12 Approved ☒ Denied ☐ Signature [Signature] on behalf of

Permit No. 10 21-10

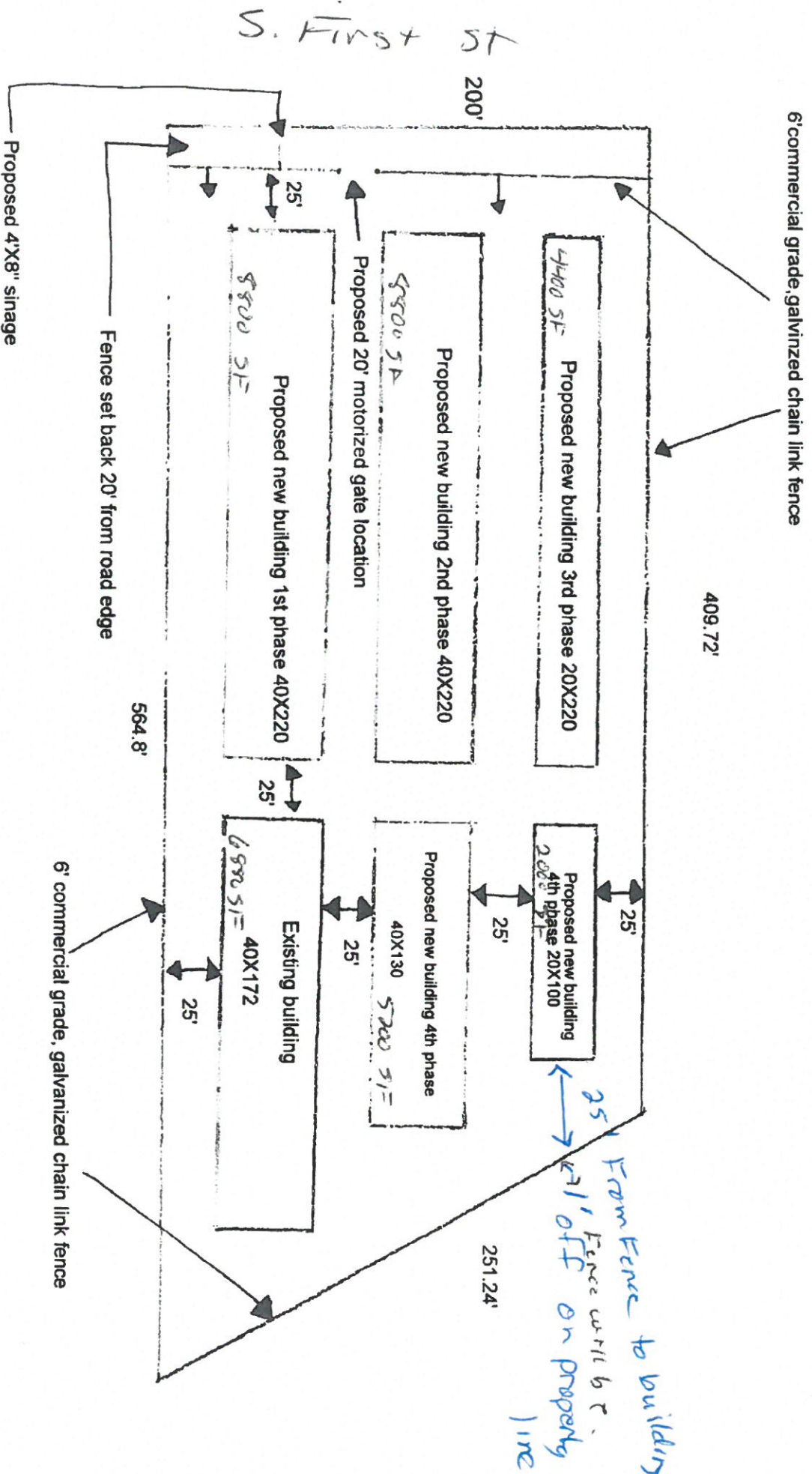
Planny Commish

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

S:\Forms -8-27-20



# Original Plans



Survey will be completed before construction.

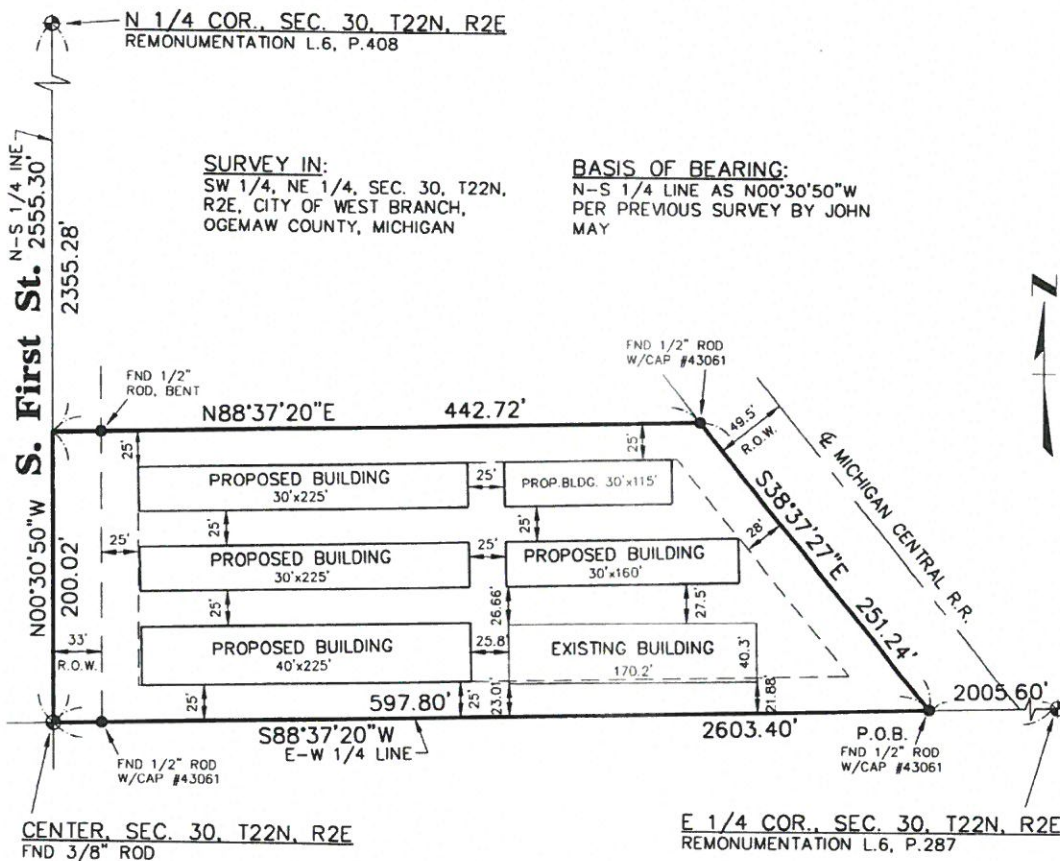
100' Road Right-of-way

# CERTIFICATE OF SURVEY

updated plans

## LEGAL DESCRIPTION:

Situated in the City of West Branch, County of Ogemaw, State of Michigan: The Southerly 200.00 feet of the Southwest 1/4 of the Northeast 1/4 of Section 30, Township 22 North, Range 2 East, lying Westerly of the Railroad Right of Way, Ogemaw County, Michigan, being more particularly described as beginning S88°37'20"W, along the East-West 1/4 line, 2005.60 feet to the Westerly right of way of the Central Michigan Railroad; thence continuing S88°37'20"W, along said East-West 1/4 line, 597.80 feet to the monumented Center of said Section 30; thence N00°30'50"W, along the monumented North-South 1/4 line, 200.02 feet; thence N88°37'20"E, parallel with and 200 feet North of (as measured perpendicular to) said East-West 1/4 line, 442.72 feet back to the point of beginning.



REVISED: 8/2/22 TO CHANGE LAYOUT

### CERTIFICATION STATEMENT:

I, Kevin T. Pomaville, without prejudice, do hereby certify that the map as shown and the survey on which it is based, was performed under my direct supervision and fully complies with all requirements of Public Act 132 of 1970, as amended and that the ratio of closure of the unadjusted field observations is no greater than 1 part in 5000.

Kevin T. Pomaville, P.S. 43066

**APEX**  
**LAND SURVEYORS, L.L.C.**

820 South Huron Road  
Linwood, Michigan 48634  
Phone (989) 697-2593 Email apex@apexse.com

Survey for:

BRIAN RANG  
4001 N. EHLERS ROAD  
MIDLAND, MICHIGAN 48642

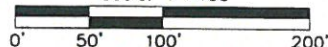
Drawn by: CAU

Sheet 1 of 1

### LEGEND

- Found Gov't Corner or Monument
- Set Iron & Cap #43066
- Found Corner as Indicated
- Concrete Monument
- ⊗ Set/Fnd Chiseled X
- (R) Recorded (M) Measured (C) Calc. (D) Deeded
- (P) Plotted
- ▲ Fnd Mag Nail
- △ Set Mag Nail

Scale: 1"=100'



Survey Date: 8/27/2021

Job No.: 21S0282



## Zoning Administrator review

On August 10, 2021, Mr. Rang had his plans approved to add additional storage buildings to the property he purchased at 1797 S. First St. Mr. Rang's original plans called for the middle row of buildings to be 40' in width and the top row of building to be 20' in width. Upon further study, he has determined it would be better to make both buildings 30' in width instead. In order to determine if the change in building sizes were considered minor and could be approved administratively, the requirements from section 15.408 "Deviations from approved site plans" were reviewed. According to letter 1a, the new configuration of buildings increased the total square footage by 1,550sf; therefore, larger than the minimum allowed of 500sf and an additional permit being required and approved by Planning. The new plan while changing the sizes of the building on the inside of the property has no effect on the setbacks. The proposed setbacks of the new layout of buildings remains 45' in the front, 25 on each side, and 25 in the rear.

The building height remains the same single story which meets the structure standards

The lot coverage percentage is 48% (46,630 sf of building with 97,500 sf of land) which is less than the 60% maximum allowed.

### CONCLUSION

I would recommend approval of the adjusted site plan for Mr. Rang due to the setbacks not changing from the original site plan and the plan having no other zoning issues.

All improvements shall conform to the approved site plan. It shall be the responsibility of the applicant to notify the zoning administrator of any such changes prior to such change being made. The zoning administrator shall have the authority to determine if a proposed change requires an amendment to an approved site plan. A site plan may be amended upon application and in accordance with the procedure herein for a site plan. The zoning administrator may approve minor changes in an approved site plan, provided that a revised site plan drawing s be submitted showing such minor changes, for the purposes of record. Even if determined to be a minor change, the zoning administrator may refer changes to the planning commission for their approval.

(1) *Determination of minor changes to a site plan.* The zoning administrator shall consider the following to be a minor change:

- a. Changes in floor plans that do not exceed 25 percent of the total floor area or 500 square feet, whichever is less, and which do not alter the character of the use or increase the amount of required parking.
- b. Alterations to vertical elevations by up to 25 percent.
- c. Movement of a building or buildings by no more than ten feet.
- d. Reduction of the size of any structure or sign.
- e. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
- f. Internal re-arrangement of the parking lot which does not affect the number of parking spaces by more than ten percent or alter access locations or design.
- g. Relocation of sidewalks or refuse storage stations.
- h. Changes of building materials to another of higher quality, as determined by the zoning administrator.
- i. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
- j. Changes that will preserve the natural features of the site without changing the basic site layout.
- k. Change type and design of lighting fixture provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
- l. Changes required or requested by the city or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval and, provided that such changes conform to the regulations contained in this chapter.

(2) *Revised site plan with minor changes.*

- a. After approval by the zoning administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved

	APPROVED PLAN		AMENDED PLAN	
	SIZE	SF	SIZE	SF
Phase 1 building 1	40X220	8,800	40X225	9,000
Phase 2 building 1	40X220	8,800	30X225	6,750
Phase 3 building 1	20X220	4,400	30X225	6,750
Phase 4 building 1	20X100	2,000	30X115	3,450
Phase 4 building 2	40X130	5,200	30X160	4,800
TOTAL SQUARE FT		29,200		30,750
DIFFERENCE IN SF				1,550