

- AGENDA -

RESCHEDULED REGULAR MEETING OF THE WEST BRANCH PLANNING COMMISSION TO BE HELD AT THE WEST BRANCH CITY HALL, 121 N. FOURTH ST. ON WEDNESDAY, NOVEMBER 9, 2022, BEGINNING AT 6:00 PM

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance.
- IV. Public Hearing
 - A. Special use permit for Mark Lewandowski DDS
- V. Additions to the Agenda
- VI. Public Comment – Agenda Items Only – 3 Minute Limit (general rule)
- VII. Approval of Minutes from October 11, 2022
- VIII. Site Plan review
 - A. ZP 22-26 Mark Lewandowski DDS
- IX. Sign Permit
- X. Unfinished Business
- XI. New Business
- 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 Meeting scheduled for Wednesday, November 9th 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, 420, and 426 E. Houghton Ave. Comments prior to the meeting can be submitted to City Hall at 121 N. Fourth St during the business hours of 8:00 am-4:30pm M-F or by email to the address listed below. 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
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APPLICATION FOR SPECIAL USE OR VARIANCE

Name of Applicant MARK LEWANDOWSKI DDS P.C.
Address 420 E. Brighton Ave West Branch MI 48661
Phone Number 989-345-1391 Email Address lewdds89@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 420 E. Brighton Ave West Branch MI 48661
Description of initial zoning request Demolish Existing House & Expand Dental Practice
Reason initial zoning request was denied Sq Footage Exceeds 500 Sq Feet. addition
Action requested: TO Existing Practice

- ☐ 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.

Mark Lewandowski
Signature of Applicant

Oct. 24 2022
Date

Fee Paid \$ 250.00

Fee Received By Rob K... For Office Use Only

Date Paid 10/24/22 Final Disposition _____



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10/17/22

Mark Lewandowski DDS
420 E. Houghton Ave
West Branch, MI 48661

Dr. Lewandowski

This letter is in reference to the updated plans that were submitted for the new addition onto your dental office. The ordinance only allows me to approve alterations to the plans if the square footage added is 500 square foot or less. I did reach out to our planning and zoning specialist that has assisted us in the past and she confirmed that, unfortunately, due to the additional square footage added being more than 500sf, we do have to go through the special use requirements again. I am getting the public hearing scheduled for a meeting to be held on Wednesday, November 9th at 6:00pm and I am mailing the notices to everyone within 300' of your property again. Included with this letter is another application for special use and your zoning permit. Please fill both of them out again and drop them off at City Hall along with the payment of \$300 (\$50 zoning and \$250 special use). I have already reviewed your plans and see no zoning issues with them. If you or a representative would be available to attend the November 9th meeting, that would be helpful as it would allow the Commission to get any questions answered and eliminate the chance for any more delays.

If you have any questions, feel free to contact me at any time,

John Dantzer, City Manager



10/17/22

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 updated application for a special use permit. The permit is to add an addition onto the existing dental office located at 416, 420, and 426 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 is 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 Wednesday, November 9th, 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, OCTOBER 11, 2022.

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

Present: Bob David, Josh Erickson, Mike Jackson, and Rusty Showalter.

Absent: Yvonne DeRoso, Kara Fachting, and Cori Lucynski

Others officers in attendance: City Manager/zoning administrator, John Dantzer

* * * * *

All stood for the Pledge of Allegiance.

* * * * *

**MOTION BY ERICKSON, SECOND BY JACKSON, TO APPROVE THE MINUTES FROM THE
MEETING HELD SEPTEMBER 27, 2022.**

Yes — David, Erickson, Jackson, Showalter

No – None

Absent –DeRoso, Fachting, Lucynski

Motion carried

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As an addition to the agenda, sign permit SP22-12 for Ace Hardware at 2106 M-76 was submitted. City Manager Dantzer noted a variance was needed on the sign permit because the free-standing monument sign and digital sign were larger than allowed in the General Business District. He further noted the monument sign was the same size as the monument sign it was replacing and the digital sign was high enough that it would not create any safety concerns and noted his recommendation for approval.

Member David noted his concern with the brightness of the digital sign. It was noted that the sign ordinance addresses digital signs and that they shall not be detrimental to neighboring properties nor cause any safety issues.

**MOTION BY JACKSON, SECOND BY ERICKSON, TO APPROVE THE VARIANCE AND ALLOW THE
ADDITIONAL SQUARE FOOTAGE FOR THE MONUMENT SIGN AND DIGITAL SIGN AS PRESENTED
FOR SIGN PERMIT SP22-12, ACE HARDWARE.**

Yes — David, Erickson, Jackson, Showalter

No – None

Absent –DeRoso, Fachting, Lucynski

Motion carried

* * * * *

MOTION BY DAVID, SECOND BY SHOWALTER, TO RESCHEDULE THE NOVEMBER MEETING TO TUESDAY, NOVEMBER 1 AT 6:00 PM DUE TO THE GENERAL ELECTION FALLING ON THE REGULARLY SCHEDULED MEETING NIGHT.

Yes — David, Erickson, Jackson, Showalter

No – None

Absent –DeRoso, Fachting, Lucynski

Motion carried

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Meeting was adjourned at 6:13 pm



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ZONING AND USE PERMIT APPLICATION

Applicant: Contractor ☐ Homeowner ☐

Property Owner: Mark Lewandowski DDS

Mailing address: 420 E Brighton Ave West Branch MI 48661

Phone Number: 989-345-1391 Property ID # _____

Project Address: 420 E Brighton Ave West Branch MI 48661

Contractor Name: ~~Bob~~ Dan Blanchard

Contractor Address: _____

Contractor Phone: 989-329-0991

Use Dental Clinic

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 32 ^{approx} Width 24 ^{approx} Height 15' ^{approx} John Drwzer 1st Print.

Setbacks:

Front 16' Rear 30' Sides 38' + 34'

Applicant Signature: Mark Lewandowski DDS Date: 10/24/02

(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. ZP-22-24

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

S:\Forms -8-27-20

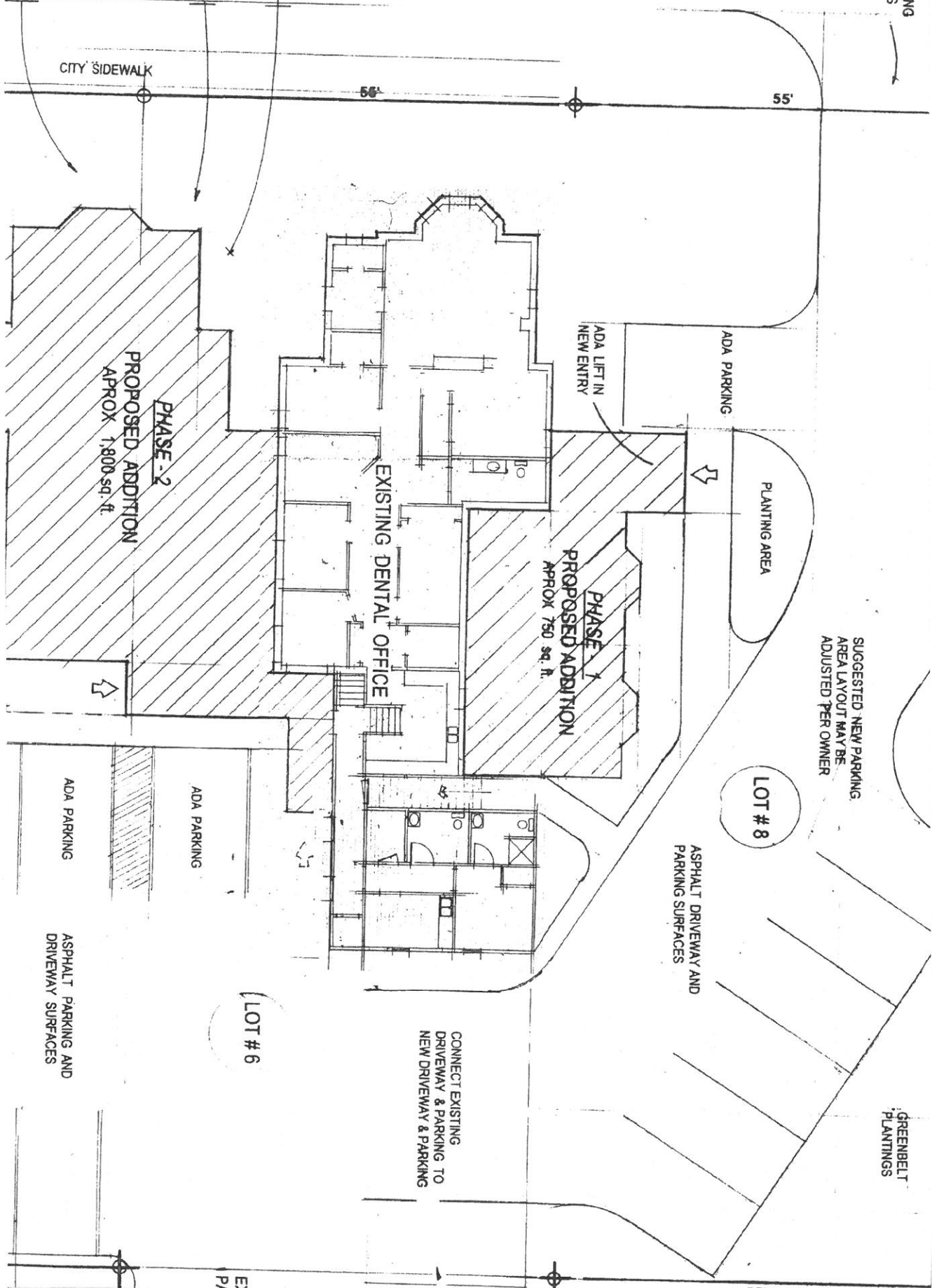
RELOCATE EXISTING
DRIVEWAY TO THIS
SIDE OF LOT
2 - WAY IN / OUT

HOUGHTON AVENUE

EXISTING DRIVEWAY
TO BE DELETED

AGE TO BE APPROVED
CITY AND ZONING

ACK FROM HOUGHTON
WILL BE 3' GREATER
EVIDENCE



Zoning Administrator review for Lewandowski dental office addition with the second phase added

LOT/BUILDING RESTICTIONS

The parcel is located in the mixed-use district (MU district) and the building will now have two additions to the existing dental office. The use of the building would fall under the health care and social assistance use, dental clinic, which is permitted by special use in the MU district. Our ordinance does allow the zoning administrator to approve minor changes to a previously approved use permit and site plan; however, the maximum square footage added and still allowed to be treated as a minor change is 500 sf which is why we must have another public hearing and use permit approval.

The building has a front setback requirement of 15', a rear setback of 15' and side setback of 8'. The building still meets all set back requirements with the front setback of 16', rear setback of 32', and side setback of 38' and 34'.

The lot coverage of all three buildings together is 20% (4,687 building sf/24,502 lot sf) which is less than the 60% max allowed.

The building height is mixed single and two 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 and side setback.

Dental is not listed in chart for parking spaces. I would make the determination that it most commonly aligns itself with the professional services listing which would require 1 parking spot for every 200 sf. The building total is 4,687 sf which calls for 23 parking spots. The plan calls for 3 ADA spots and 21 standard spots for a total of 24 spots. As per the State ADA guidelines, they must have at least 1 handicap and 1 van handicap spot for every 25 parking spots so they are in compliance with ADA for required handicap spots.

The building is not over 10,000 sf so it does not require bike parking.

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 is hard to see down the entire property line but it looks like there may already be a fence up between the residence to the east.

MISCELLANEOUS REQUIRMENTS

In the mixed-use district, when a non-residential use abuts a residential use, screening is required. As per section 3.20B which states 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.

On the west side, 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 east side appears to have a privacy fence down the entire property line. The side setbacks are 38' and 34' 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.

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

The plans do show a green belt and planting area in some locations 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 new plan does have two separate driveways which should help alleviate traffic going in and out of one location. The separate driveways do allow the Commission to approve the plan with the condition that one is used as an entrance only and one is used as an exit only if you determine that would make for a better flow and safer entrance onto Houghton.

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

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. (Dentist office is allowed in the Mixed-Use 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 rehab of blighted 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. (The building while being commercial in nature is designed to look residential and will not change the character of the area and will in fact improve it.)
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. (The plan does not 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 eliminates two old deteriorating buildings and improves 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 those properties.)

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. (The plan will not cause a significant impact to the street operation. A one-way entrance and exit could be considered)

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. (The plan will not create any traffic concerns)

I have only received one response on the special use which was from the president of the Little League and they had no issues with the plan.

Because all of the special use standards were met and 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, possible one-way traffic, and confirmation of some kind of snow storage plan, 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 Dr. Mark Lewandowski for the properties commonly know as 416, 420, and 426 Houghton Ave 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 22-26 for Dr. Mark Lewandowski as submitted or (as an example approved with the condition that there be only a one-way entrance and exit or any other condition wanted)