

Regular Meeting
4:30 P.M.

CITY OF COLDWATER ZONING BOARD OF
APPEALS
Wednesday August 18, 2021 Regular Meeting

AGENDA

ROLL CALL

MINUTES

1. Zoning Board of Appeals regular meeting of July 21, 2021

PUBLIC COMMENTS

PUBLIC HEARING

OLD BUSINESS

2. **ZBA21-03** A request from **Birds of a Feather, LLC** located at 894 E. Chicago St. to consider an 85 ft. sign height variance from Section 5.1.D.3 of the Coldwater Zoning Code to install freestanding signage at a height of 100 ft.

NEW BUSINESS

PUBLIC COMMENTS

ADJOURNMENT

Next meeting – Wednesday September 15, 2021

Council Chamber
Henry L. Brown Municipal Bldg.
One Grand Street
Coldwater, Michigan



July 21, 2021
4:30 p.m.
(517) 279-9501
www.coldwater.org

Zoning Board of Appeals Minutes

Regular Meeting

MEMBERS PRESENT: The meeting was called to order by Vice Chairman Swan at 4:30 p.m. with the following members present: David Cole, Mike Eddy, Joseph Hayes and Alternate member Jim Bilsborrow.

MEMBERS ABSENT: Mike Renshaw and Alternate member Jeff Holbrook.

OTHERS PRESENT: Administrator Dean Walrack, Shauna Chávez and Clerk Susan Heath; Courtney Sekula, Amanda Wills, plus one other.

MINUTES

1. Regular Meeting of May 19, 2021.

Board Action: Motion by Member Hayes, and seconded by Member Cole, to approve the Regular Meeting minutes of May 19, 2021, as presented.

Ayes: 5

Nays: 0

Motion carried

PUBLIC COMMENTS

- None

PUBLIC HEARING

2. ZBA21-03 A request from Birds of a Feather, LLC located at 894 E. Chicago St. to consider an 85 ft. sign height variance from Section 5.1.D.3 of the Coldwater Zoning Code to install freestanding signage at a height of 100 ft.

Vice Chairman Swan opened the public hearing at 4:53 p.m.

July 21, 2021 – 4:30 p.m.

Administrator Walrack presented ZBA 21-03 A request by Birds of a Feather, LLC, the owners of the Tree House Provisioning Center for an 85 ft. height variance to install a business sign at 100 ft. in height at the northwest corner of the commercial building. The Coldwater Zoning Code limits freestanding sign height to 15 ft. throughout the City. The property located at 894 E. Chicago St. is a commercial property which is being used as an Adult Use Recreational Marijuana Retail Establishment. The property has no street frontage on any road and is accessed by an ingress/egress easement across 892 E. Chicago St., the Phoenix Building.

The Zoning Board of Appeals may grant a “non-use” variance only upon a finding that practical difficulties exist. A finding of practical difficulty is when the applicant has demonstrated all of the following:

A. That special conditions and circumstances exist which are peculiar to the land, land use, structure or building in the same zoning district so as to present such a unique situation that a precedent will not be established for other properties in the district to also ask the same or similar change through the zoning appeal procedure.

This site is landlocked and without frontage on any road. The ingress/egress easement provides permission for staff, customers, and agents of the property to gain access to the site, however this permission does not seem to include allowance for signage. This land locked circumstance seems to be extremely unique throughout the City.

B. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

This property does not possess frontage upon any roadway upon which to advertise its operators’ presence. Unlike the other land locked properties in this vicinity, there is significant tree cover between nearby roadways and this property which the applicant has no control over management of.

C. The authorization of such variance will not be of substantial detriment to adjacent property and will not naturally impair the intent and purpose of this Zoning Code or the public interest. The proposed signage should pose little danger to structures or occupants on adjacent property. The intent of the Zoning Code is clearly to affect a uniform City-wide signage framework where signs are easily legible and identifiable from the street itself. The Planning Commission has repeatedly declined to act to raise the maximum sign height, including a consideration for a taller height nearby the highway interchange in December of 2020.

D. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provision of this Zoning Code to other lands, structures or building in the same zoning district.

This site does not have direct access to a public roadway: two similar instances exist on the north side of E. Chicago St. at the current Maytag Laundromat building (365 N. Willowbrook)

July 21, 2021 – 4:30 p.m.

and the Oasis Car Wash building (771 E. Chicago St.). Each of these locations have signs which are 25 ft. in height, however are not affected by dense tree coverage which is outside of their control. Applicants for sign permits regularly ask about additional height and the majority of these have been dissuaded from formal requests due to the precedence of previous Zoning Board of Appeals and Planning Commission. Additionally, several legally nonconforming signs which have been repaired or replaced have been required to conform to the 15 ft. height restriction.

E. That the reasons set forth in the application for the variance justify the granting of the variance and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure in the zoning district in which it is located.

The property in question is unique in its absence of roadway frontage upon which to make its presence known, as well as its lack of control of vegetation between itself and the nearest roadway. Staff is not able to accurately state the height of the trees between the site and the roadway, but the most common native trees are able to reach heights between 60 and 100 ft.

Variances to be considered: 1. 85 ft. variance from Section 5.1.D.3 to increase total freestanding sign height to 100 ft. from 15 ft. at the northwest corner of commercial building.

Administrator Walrack also noted the Planning Commission, which granted the Special Use Permit for the property, would like to perform a discretionary review if the signage variance is granted. When the Planning Commission granted the SUP, signage wasn't a concern as the business information was included on a sign located at US-12. Without a written agreement, however, the property has no legal right to the US-12 signage, and that access has since been revoked.

Courtney Sekula and Amanda Wills, representatives of the property were on hand to answer Commissioner's questions. Located behind a barrier of tall trees and without access to the US-12 signage, Ms. Sekula and Ms. Wills asked for the variance in order to erect a sign that will be visible and help direct potential customers to their business.

Administrator Walrack reported that he received one email regarding ZBA21-03 (attached in Addendum A).

Public Comment: None.

Vice Chairman Swan closed the public hearing at 5:49 p.m.

Board Action: Motion by Member Hayes, and seconded by Member Cole, to table to ZBA21-03 to allow the Planning Commission to review, as presented.

Ayes: 5

Nays: 0

Motion Carried.

OLD BUSINESS

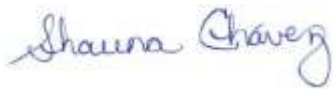
- None.

NEW BUSINESS

- None.

ADJOURNMENT – Next Meeting 4:30 p.m. August 18, 2020.

Meeting adjourned at 5:53 p.m.

A handwritten signature in blue ink that reads "Shauna Chávez". The signature is written in a cursive style with a large, looping 'S' and 'C'.

Shauna Chávez
Deputy City Clerk

Public Comment Re: SUP21-15

Walrack, Dean <dwalrack@coldwater.org>

Mon 7/19/2021 3:27 PM

Cc: Omar Fakhouri <omar.fakhouri1@gmail.com>; Heath, Sue <sheath@coldwater.org>; Chavez, Shauna <schavez@coldwater.org>; Sikorski, Debra <dsikorski@coldwater.org>

Good afternoon Planning Commissioners,

Below is a Public Comment for tonight's Public Hearing item SUP21-15. I will also read this comment aloud during the Public Hearing at tonight's meeting.

Planning Commissioners,

Please accept this email as our concern for the special use approval consideration for another retailer/dispensary at 365 N Willowbrook Rd. As background, I am a member of Green Bronco, LLC / dba Mint Cannabis, a company that received its special use approval earlier this year at the same exact location (one suite away) from the subject property.

My concern is not related to allowing approval of more cannabis dispensaries within Coldwater, although at some point there will be excessive concentration of facilities that will lead to businesses failing and subsequently vacant buildings. **My primary concern is the location of this application and the impact of having multiple retail dispensaries in the same plaza sharing 1 parking lot.**

I've provided my feedback on 2 standards that I'd like the Commission to consider when deciding on the special land use approval

Discretionary General Standards (listed those not in compliance)

- The special land use shall not change the essential character of the surrounding area,
 - We believe that cannabis dispensaries have a role to play in the community and are a necessity, however, we do believe that having a concentration of facilities **will change** the character of the surrounding area. We do not want to suggest that the change will be exclusively negative, however, we do believe that the character would change to more adult use type of operations and draw that type of business and those types of tenants. Consequently, alternative business types may elect to relocate to other areas due to a heavy concentration of adult use businesses (e.g., businesses geared towards youths like daycares)
- The special land use shall not be hazardous to adjacent property or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes or glare.
 - The amount of traffic one retail dispensary will draw is extremely high (over 400 customers a day). This coupled with having 20+ employees at our facility, offering curbside pick up and offering delivery services, accepting deliveries from vendors daily, will result in a high level of traffic in and out of the vicinity. While I believe our current facility can be supported, we believe that having another same sized facility at the same building sharing 1 parking lot, sharing the same ingress/egress will become hazardous and result in excessive traffic. A dispensary operation is complex and generates traffic from not just customers, but the operation itself.
 - We have serious concerns on the availability of parking when you have 2 high traffic dispensaries operating in the same small (3 unit plaza) and sharing a parking lot. 42 spaces may seem

sufficient for a typical retail business, however, we anticipate this will be inefficient to support the 3 suites/tenants in this plaza.

- As anecdotal evidence, our Kalamazoo dispensary exceeded its parking expectations and we had to purchase the adjacent building to utilize their parking. In fact, parking is one of the key criteria we use as a company to assess if the business can handle the anticipated volume of customers. We project our dispensary will be busier than our Kalamazoo dispensary.

In short, I am not against more marijuana retailers opening up in Coldwater and actually support the growth of the industry (we did not have issue with the former Goodwill building being approved as a dispensary as there would be sufficient parking to support it on its own). We just have concerns for the adjacent businesses when 2 high traffic dispensaries open next door to each other with insufficient infrastructure to support. We believe there is strong evidence of non-compliance to the discretionary general standards.

Thank you for your consideration.

Omar Fakhouri
email | omar.fakhouri1@gmail.com

Dean Walrack
Planning & Zoning Administrator
517-279-6926

STAFF ADVICE TO THE PLANNING COMMISSION AND ZONING BOARD OF APPEALS

SUBJECT: Review of Expanded Signage
OPERATOR: Birds of a Feather, LLC (The Tree House Provisioning Center)
LOCATION: 894 E. Chicago St.
ZONING: C-4 General Business Zoning District

SUMMARY

Birds of a Feather, LLC (the owner of the Tree House Provisioning Center) has requested a dimensional height variance for freestanding signage to install a sign at 100 ft. in height on their property. The proposed sign would be 85 feet taller than the allowed sign height, or nearly seven times taller than what is permitted by ordinance. The rendering submitted also includes a sign which is approximately 380 sq. ft. in area, which will require a separate set of variance requests, as the allowable area of the allowed single freestanding sign is 75 sq. ft. and total allowable site signage is 200 sq. ft. The proposed sign would be approximately five times the area allowed by ordinance. The applicant currently has a single freestanding sign with an area of approximately 18 square feet. It is not clear whether they would be requesting to retain this one allowed sign in addition to the proposed new sign, but if so, then they would need an even greater variance.

This freestanding sign was not a part of the original request by the applicant at the March 15, 2021 Public Hearing of the Planning Commission when the Special Land Use Permission to operate this establishment was granted. This signage element is being presented to the Planning Commission to provide comment on this sign's relation to the General Standards by which Special Land Use permissions are judged. This assessment will then be relayed to the Zoning Board of Appeals, which is tasked with interpreting the Zoning Code and determining whether a property is so affected by unique circumstances as to require variance from the Zoning Code.

I have highlighted what I believe are the applicable sections of the zoning code are below:

6.2 SPECIAL LAND USE PROCEEDURE

- A. Purpose. Special land uses are those uses of land which are essentially compatible with uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this chapter is to establish equitable procedures and criteria, which shall be applied in the determination of requests to establish special uses. The criteria for decision and requirements provided for under the provisions of this chapter shall be in addition to those required

elsewhere in this Zoning Code which are applicable to the special use under consideration.

- B. Authority to Grant Permits. The Planning Commission shall have the authority to grant special use permits. The Planning Commission has the authority to impose such conditions of design and operations, safeguards and time limitations as it may determine for all special uses, specially allowed in the various district provisions of this Code and in accordance with Section 6.1 Site Plan Review.
- C. Application Procedures. An application for permission to establish a special use shall be submitted and acted upon in accordance with the following procedures:
1. Application. Applications for a special use shall be submitted fourteen (14) days prior to the next scheduled Planning Commission meeting through the Zoning Administrator, who will review the application for completeness and then transmit it to the Planning Commission. Each application shall be accompanied by the payment of a fee to cover the costs of processing the application, in accordance with the schedule of fees adopted by the City Council.
 2. Required Information. An application for a special use permit shall be accompanied by the following documents and information:
 - a. A special use application form supplied by the Zoning Administrator, which has been completed in full by the applicant.
 - b. A site plan, as required in Section 6.1.B Site Plan Required, Authority of Planning Commission.
 - c. A statement with regard to compliance with the general criteria required for approval as set forth in subsection D below, and other criteria specific to the proposed use as imposed by this chapter affecting the special use under consideration.
 3. Public Hearing. Upon receipt of an application for a special use, the Planning Commission shall hold a public hearing in the manner described in Section 7.7 of this zoning ordinance.
 4. Review and Approval. Within thirty days following the public hearing, the Planning Commission shall review the application for a special use, the comments received at the public hearing, the site plan and other materials submitted in relation to the application, and make a determination on the special use application in accordance with the criteria for approval stated in subsection D below and such standards contained in this chapter which relate to the special uses under consideration. The Planning Commission may deny, approve, or approve with conditions, a request for a special use. The decision on a special use shall incorporate a statement containing the findings and conclusions relative to the special use under consideration which specifies the basis for the decision and any conditions recommended. Upon the approval or approval with conditions by the Planning Commission, the applicant may apply for a building permit.
- D. Basis of Determination. Prior to approval of a special use application, the Planning Commission shall insure that the standards specified in this section, as well as applicable standards established elsewhere in this Zoning Code, shall be satisfied by the completion and operation of the special use under consideration.
1. General Standards. The Planning Commission shall review the particular circumstances of the special use application under consideration in terms of the following standards and shall approve a special use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Zoning Code:
 - a. The special land use shall be harmonious with and in accordance with the general objectives, intent and purposes of this Code.

- b. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of existing and future land uses on adjacent property and the surrounding area.
 - c. The special land use shall not change the essential character of the surrounding area.
 - d. The special land use shall not be hazardous to adjacent property or involve uses, activities, materials or equipment which, will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes or glare.
 - e. The special use shall be required to be served by public sanitary sewer and water supply systems when available or other systems approved by the Health Department, and served adequately by other essential public facilities and services; such as highways, streets, drives, sidewalks, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately all such services. Further the special use shall not place demands on public services and facilities in excess of current capacity.
2. Conditions. The Planning Commission may impose conditions with the approval of a special use, which conditions are necessary to insure compliance with the standards for approval stated in this section and any other applicable standards contained in this Zoning Code. Such conditions shall be considered an integral part of the special use application and shall be enforced by the Zoning Administrator.
 3. Time Limitations. Any property which is the subject of a special use permit which has not been used for a period of twelve months (without just cause being shown which is beyond the control of the owner and which is acceptable to the Planning Commission for the purposes for which such special use was granted) shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such special use shall thereupon terminate. This time limitation shall not apply to second and subsequent phases of a development, which is part of a comprehensive plan, as provided for in subsection 4 hereof.
 4. Project Review. An applicant for a special use approval may include a comprehensive plan and specifications for a development, which is to be accomplished in phases over a specified period of months or years, and secure a review of the entire project, thereby avoiding the need for multiple special use hearings, unless modifications in any approved special use plan are subsequently necessary, wherein a special use hearing on the modification would be required

7.1.D ZONING BOARD OF APPEALS POWERS AND DUTIES

1. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the Michigan Planning Enabling Act (PA 110 of 2006, as amended), so that the objectives of this Code shall be attained, the public health, safety and welfare, shall be secured, and substantial justice done.
2. The Zoning Board of Appeals shall hear and decide, as provided herein, on all questions and decisions regarding the following:
 - a. Interpretation of the official City Zoning Map, including the interpretation of the location of zoning district boundaries when in doubt.

- b. The interpretation of the language of this Zoning Code when its meaning is unclear, or when there is uncertainty as to whether the language applies to a particular situation.
 - c. Requests for appeals from any order, requirement, decision or determination made by an administrative body or official charged with the enforcement of this Zoning Code.
 - d. Requests for variances from any adopted dimensional or numerical standard or requirement contained in this Zoning Code.
 - e. The hearing and determination of questions at issue regarding the continued use, change or expansion of nonconforming uses, structures or lots.
3. The Zoning Board of Appeals shall not change the zoning district classification of any property or make any change in the terms of this Zoning Code and shall not take any action which would, as a result, make what otherwise is required to be changed in or in any way negate any provision of this Code as it is intended to apply generally.
 4. The Zoning Board of Appeals shall not have authority to grant variances from the decisions of the Planning Commission or City Council regarding special use or planned development projects.

7.1.E ZONING BOARD OF APPEALS AUTHORIZATION OF VARIANCES

1. No variance from the provisions of this Zoning Code shall be authorized by the Zoning Board of Appeals unless the appellant demonstrates the existence of a practical difficulty and that the Zoning Board of Appeals finds from reasonable evidence that all of the following conditions exist:
 - a. That special conditions and circumstances exist which are peculiar to the land, land use, structure or building in the same zoning district so as to present such a unique situation that a precedent will not be established for other properties in the district to also ask the same or similar change through the zoning appeal procedure.
 - b. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
 - c. The authorization of such variance will not be of substantial detriment to adjacent property and will not naturally impair the intent and purpose of this Zoning Code or the public interest.
 - d. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Zoning Code to other lands, structures or buildings in the same zoning district.
 - e. That the reasons set forth in the application for the variance justify the granting of the variance and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure in the zoning district in which it is located

7.1.F ZONING BOARD OF APPEALS CONDITIONS OF APPROVAL

In authorizing a variance or exception, the Zoning Board of Appeals may, in addition to the specific conditions of approval called for in this Zoning Code attach thereto such other conditions regarding the location, character, landscaping or treatment reasonably

necessary to the furtherance of the intent and spirit of this Zoning Code and the protection of the public interest.

5.1.D SIGNS IN THE C-4 GENERAL BUSINESS DISTRICT

1. Area, Signs in General. The area of all exterior attached wall and free- standing signs permitted for each lot shall be determined as two (2) square feet of sign area for each one (1) linear foot of lot width which faces one public street. For calculation purposes, corner lots shall use the side of the lot that fronts the addressed road. The maximum area for all exterior signs for each developed lot shall be two hundred (200) square feet, unless otherwise specified herein.
 - a. Each occupied parcel shall be permitted wall signage not to exceed fifteen percent of the wall area to be served and as otherwise permitted in subsection (a) hereof for total sign area. A business without ground floor frontage shall be allowed an exterior wall sign not to exceed twenty-four square feet in area
 - b. Each occupied parcel shall be permitted a maximum of seventy-five (75) square feet of sign for all exterior free-standing signs

3. No free-standing or monument sign shall exceed a height of fifteen (15) feet.

PUBLIC COMMENTS TO DATE

Notices were sent to all property owners within 300 ft. of the subject parcel and published in the February 26th and July 3, 2021 editions of the Coldwater Daily Reporter before the respective meetings of the Planning Commission and Zoning Board of Appeals. One comment was received by City of Coldwater Neighborhood Services Department Staff and is included with this report.

DISCUSSION

The height variance has been requested due to the reported unwillingness of the owner of the adjoining plaza to allow the applicant to advertise the marihuana retail establishment on the marquee sign at the front of the Prompt Care building, although it had allowed The Tree House to advertise its presence “in” the plaza when it was a hydroponics retailer in the same location for approximately seven years.

The applicant represents that it has a 20 foot easement for access to its premises but that the easement does not include a right to place signage on the 20 foot strip. Other than the refusal of the adjacent owner to allow the marihuana signage on the existing marquee, which permission the applicant did not secure prior to changing the use of the premises, nothing about the applicant’s premises has changed since it applied for special use approval.

While the applicant’s premises is somewhat unique for a retail location, having originally been an office for a realty company, there has been some commercial development in the areas behind other properties located directly on East Chicago Street, and it is likely that there will be more in the coming years, particularly if service drives are established behind the existing commercial businesses. Even without service drives, owners of property adjacent to the Chicago Street properties may be able to sell parcels with easements across the parcels along Chicago Street. While such future development may have direct or

easement access to a public way, they will not have direct visual access to the high traffic corridor that is East Chicago Street.

The premises of the applicant is an irregular shape, roughly 150 ft. by 150 ft. Other businesses with premises located within 100 ft. of the proposed 100 ft. tall sign include Walmart, Rail Users, AutoZone, Tractor Supply, Clear Zone Auto Glass, and the businesses in the Prompt Care plaza. While comment has not been received from most of these, the owner of the Prompt Care plaza has refused to provide the applicant with street side advertising or directional sign space.

This request for variance was not presented to the Planning Commission for its review with the special use application and possible imposition of conditions in connection with granting that application five months ago.

The Zoning Board of Appeals previously considered and denied signage variances in the same district (what and when and why). There are no other signs with a height greater than 25 ft. in the district except for the 100 ft. tall sign for Bob Evans restaurant which was permitted in 1995, the 65 ft. tall sign for Red Roof Inn, which was permitted in 2000, and the 60 ft. tall sign for McDonalds that was permitted in 1992. Additionally, the Best Western Hotel property currently has a variance for a 40 ft. tall sign on the property which it is not currently using in favor of a 15 ft. tall sign at the roadway. All other properties in the district are in full compliance with current sign height requirements.

If granted, the variances requested will be perpetual, and subsequent users of the property will be able to continue to have a sign of the approved height at the location.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Dean Walrack", written in a cursive style.

Dean Walrack
Planning and Zoning Administrator

Council Chamber
Henry L. Brown Municipal Bldg.
One Grand Street
Coldwater, Michigan



March 15, 2021
5:30 p.m.
(517) 279-9501
www.coldwater.org

PLANNING COMMISSION MINUTES ELECTRONIC SPECIAL MEETING

Pursuant to the Michigan Department of Health and Human Services Director Robert Gordon's Emergency Order dated December 21, 2020, now in effect, which imposed restrictions on gatherings, including public meetings, to mitigate the spread of Coronavirus Disease 2019 (COVID-19) and pursuant to authority provided by the Michigan's Open Meeting Act as amended in Public Act 254 of 2020 which permits public bodies subject to the Open Meetings Act to use telephone and or video conferencing technology to meet remotely and conduct business until March 31, 2021, the City of Coldwater Planning Commission will hold a Special Meeting via telephone conferencing at 5:30 p.m. on Monday, March 15, 2021, for purpose of conducting such business that comes before the Board. For current and up-to-date information regarding the coronavirus, visit: <http://www.Michigan.gov/Coronavirus> or <http://www.CDC.gov/Coronavirus>.

Members of the public may view and participate in the meeting by the following methods:

ELECTRONIC SPECIAL PLANNING COMMISSION MEETING ACCESS

For individuals who may wish to give public comment, the method for providing public comment during this remote-participation meeting is to call the following toll-free numbers: **1-877-853-5257** or **1-888-475-4499 (Meeting ID: 845 8154 2814)** Participant ID is not required. Callers wishing to give public comment may call in before the meeting starts and wait in a "virtual waiting room." These instructions will be included in every official published agenda of the Planning Commission. Those calling in will be able to hear the audio of the Special Planning Commission meeting, but they will be muted until called on. Callers who do not wish to give public comment are encouraged to view the meeting live-streamed on YouTube at, bit.ly/ColdwaterVideo and also on Skitter Channel 61.

ROLL CALL

Chairman Aloha Miller called the meeting to order with the following Commissioners present: Jeff Budd, Aaron Garn, Michael Beckwith and Chris Stevens all indicated they were located inside the City of Coldwater; Jessika Cole, the member at large, indicated she was in Girard Township; Mayor Kramer and Dave Rumsey both indicated they were in Venice, Florida. Commissioners also indicated there were no public comment emails received as of 3:30 p.m. prior to the meeting.

Commission Action: Motion by Councilmember Beckwith, seconded by Commissioner Garn, to excuse the absence of Commissioner Salwa Alsuraimi, as presented.

Roll Call Vote:

Ayes: Commissioners: Michael Beckwith, Chris Stevens, Jessika Cole, Jeff Budd, Aaron Garn, Dave Rumsey, Mayor Kramer and Chairman Miller.

Nays: Commissioners: None.

Motion carried.

Others present: Dean Walrack, Susan Heath, Shauna Chávez, Megan Angel, Sheila Puffenburger, Alex Ditton, Joshua Ditton, Amanda Wills, Courtney Sekela, Adam Carpenter, Don Reid and five others.

1. Minutes of the Regular Meeting of February 1, 2021.

Commission Action: Motion by Commissioner Cole, seconded by Commissioner Stevens, to approve and place on file the minutes of the Electronic Regular Meeting of February 1, 2021, as presented.

Roll Call Vote:

Ayes: Commissioners: Chris Stevens, Jessika Cole, Jeff Budd, Aaron Garn, Dave Rumsey, Mayor Kramer, Michael Beckwith and Chairman Miller.

Nays: Commissioners: None.

Motion carried.

PUBLIC COMMENTS (unrelated to items on the agenda)

- Administrator Walrack reported that he received one phone call today regarding Marihuana Retail Establishment concerns.

STAFF SUBMISSION

*Commissioner Salwa Alsuraimi arrived at 5:36 p.m. (indicated she was located inside the City of Coldwater, and had not received any email correspondence prior to 3:30 p.m.)

2. Staff memo on Special Land Use requests – Attached in Addendum A.

PUBLIC HEARING

3. SUP21-05 A request from Birds of a Feather, LLC to consider a Special Land Use Permit for the operation of an Adult Use Recreational Marihuana Retail Establishment located at 894 E. Chicago St.

Chairman Miller opened the public hearing at 5:42 p.m.

Administrator Walrack presented SUP 21-05 a request from Birds of a Feather, LLC, to consider a Special Land Use Permit petition in accordance with Section 6.2 of the City of Coldwater Zoning Ordinance for the operation of an Adult Use Recreational Marihuana Retail Establishment use for the property located at 894 E. Chicago St., Coldwater, MI. A special land use permit is required for this project by Section 6.2 of the Zoning Ordinance. Section 1295.04 (Special Land Uses chapter) of the Zoning Ordinance states that: “The Planning Commission shall review the particular circumstances of the special use application under consideration in terms of the following standards and shall approve a special use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Zoning Code.”

Birds of a Feather, LLC is requesting permission to operate an Adult Use Recreational Marihuana Retail Establishment from the existing commercial structure. The structure and parking lot are in a wooded area and largely screened from adjacent sites. Their site is accessed by an easement through the property to the north. Administrator Walrack presented the sections of zoning code pertaining to this request as well as the five discretionary standards for approval, the relevant non-discretionary standards for approval.

After review, staff notes the applicants are proposing no changes to the footprint of the building or the parking area presently.

The site is accessed through the neighboring property to the north. The use of this access is protected through an easement on the adjacent site.

The parking lot is presently unmarked, but appears to have enough space for approximately seven vehicles. Without any parking lot markings, there are no designated barrier-free spaces. The applicant is intending to improve their parking area to include formal striping, barrier-free parking, and a small expansion.

The applicant will be required to submit additional electrical, mechanical, plumbing, and building plans if and when applying for the respective permits. Their final floor plans will also need to be approved by local and State fire marshals.

As a Special Use Permission request, the Planning Commission may place additional requirements upon an applicant if they feel it is necessary to preserve the public interest and the interest of nearby properties.

Amanda Wills and Courtney Sekela, representing Birds of a Feather, LLC were on hand to answer Commissioner’s questions.

Public Comment: None.

Chairman Miller closed the public hearing at 5:51 p.m.

Commission Action: Motion by Councilmember Beckwith, seconded by Commissioner Cole, to approve the Special Land Use permission request for Adult Use Marihuana Retail Establishment

to Birds of a Feather, LLC as the proposed use will be bound to all requirements for Marijuana uses found in Ordinance 880 of the City of Coldwater Codified Ordinances, as well as all Specific Requirements for Special Land Uses in Section 4.21, as presented.

Roll Call Vote:

Ayes: Commissioners: Jessika Cole, Jeff Budd, Salwa Alsuraimi, Aaron Garn, Mayor Kramer, Michael Beckwith, Chris Stevens and Chairman Miller.

Nays: Commissioners: Dave Rumsey.

Motion carried.

4. SUP21-06 A request from JABBS, LLC to consider a Special Land Use Permit for the operation of an Adult Use Recreational Marijuana Retail Establishment located at 553 E. Chicago St.

Chairman Miller opened the public hearing at 5:53 p.m.

Administrator Walrack presented SUP 21-06 A request from JABBS, LLC, to consider a Special Land Use Permit petition in accordance with Section 6.2 of the City of Coldwater Zoning Ordinance for the operation of an Adult Use Recreational Marijuana Retail Establishment use for the property located at 894 E. Chicago St., Coldwater, MI. A special land use permit is required for this project by Section 6.2 of the Zoning Ordinance. Section 1295.04 (Special Land Uses chapter) of the Zoning Ordinance states that: "The Planning Commission shall review the particular circumstances of the special use application under consideration in terms of the following standards and shall approve a special use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Zoning Code."

JABBS, LLC is requesting permission to operate an Adult Use Recreational Marijuana Retail Establishment from the vacant paved land at 553 E. Chicago St. This property was previously used as a parking lot for the bowling alley which was demolished to accommodate the construction of the Dairy Queen fast food restaurant in 2019. A new building and expanded parking area are to be constructed. Administrator Walrack presented the sections of zoning code pertaining to this request as well as the five discretionary standards for approval, the relevant non-discretionary standards for approval.

After review, staff notes the current drive approach on Teeter Dr. is asphalt and is in relatively poor condition. Current City Construction Standards require approaches to be 8" reinforced concrete. Photometric Plans and Lighting Details have not been included, and lighting should be directed downward to reduce "light pollution" and should not extend beyond the property lines.

The handicap parking signage is shown at 6'8" to top of sign, however ordinance requires signs installed at 6'8" to bottom of sign.

The applicant will be required to submit additional soil erosion/sedimentation control, electrical, mechanical, plumbing, and building plans when applying for the respective permits. Their final floor plans will also need to be approved by local and State fire marshals. As a Special Use Permission request, the Planning Commission may place additional requirements upon an applicant if they feel it is necessary to preserve the public interest and the interest of nearby properties.

Alex Ditton, Joshua Ditton and Adam Carpenter, representing JABBS, LLC, were on hand to answer Commissioner's questions.

Commissioner Budd noted for the record there may be some unique challenges providing sanitary sewer to the site.

Public Comment: None.

Chairman Miller closed the public hearing at 5:58 p.m.

Commission Action: Motion by Mayor Kramer, seconded by Commissioner Cole, to approve the Special Land Use permission request for Adult Use Marihuana Retail Establishment to JABBS, LLC as the proposed use will be bound to all requirements for Marihuana uses found in Ordinance 880 of the City of Coldwater Codified Ordinances, as well as all Specific Requirements for Special Land Uses in Section 4.21, as presented.

Roll Call Vote:

Ayes: Commissioners: Jeff Budd, Salwa Alsuraimi, Aaron Garn, Mayor Kramer, Michael Beckwith, Chris Stevens, Jessika Cole and Chairman Miller.

Nays: Commissioners: Dave Rumsey.

Motion carried.

5. SUP21-07 A request from Revolution Strains, LLC to consider a Special Land Use Permit for the operation of an Adult Use Recreational Marihuana Retail Establishment located at 710 E. Chicago St.

Chairman Miller opened the public hearing at 6:00 p.m.

Administrator Walrack presented SUP 21-07 A request from Revolution Strains, Inc., to consider a Special Land Use Permit petition in accordance with Section 1295 of the City of Coldwater Zoning Ordinance for the operation of an Adult Use Recreational Marihuana Retail Establishment use for the property located at 710 E. Chicago St., Coldwater, MI.

A special land use permit is required for this project by Section 6.2 of the Zoning Ordinance. Section 1295.04 (Special Land Uses chapter) of the Zoning Ordinance states that: “The Planning Commission shall review the particular circumstances of the special use application under consideration in terms of the following standards and shall approve a special use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Zoning Code.”

Revolution Strains, Inc. is requesting permission to operate an Adult Use Recreational Marihuana Retail Establishment from a central suite of the commercial strip development which is currently occupied by Malibu Tan. All physical changes to the building will be interior of the building. There are 191 parking spaces at the front of the development for customers and 57 in the rear for employees.

This applicant had previously applied for the suite on this same site at 740 E. Chicago St. (Super Grand Buffett) at the November 16, 2020 meeting, but is now applying for permission to change their operations to 710 E. Chicago St. Administrator Walrack presented the sections of zoning code pertaining to this request as well as the five discretionary standards for approval, the relevant non-discretionary standards for approval.

After review, staff notes the applicants are proposing no changes to the footprint of the building or the parking area presently.

The applicant has already been granted permission to use 740 E. Chicago St. With this request, the applicant will withdraw their intent to move into that suite and will only operate from 710 E. Chicago St.

The applicant will be required to submit additional electrical, mechanical, plumbing, and building plans if and when applying for the respective permits. Their final floor plans will also need to be approved by local and State fire marshals.

As a Special Use Permission request, the Planning Commission may place additional requirements upon an applicant if they feel it is necessary to preserve the public interest and the interest of nearby properties.

Rey Sweiss and Nathan Shevick, representing Revolution Strains, Inc. were on hand to answer Commissioner’s questions.

Public Comment: None.

Chairman Miller closed the public hearing at 6:04 p.m.

Commission Action: Motion by Commissioner Stevens, seconded by Councilmember Beckwith, to approve the Special Land Use permission request for Adult Use Marihuana Retail Establishment to Revolution Strains, Inc., as the proposed use will be bound to all requirements for Marihuana uses found in Ordinance 880 of the City of Coldwater Codified Ordinances, as well as all Specific Requirements for Special Land Uses in Section 4.21, as presented (not acted upon in its original form).

Amendment to previous motion: Motion by Commissioner Garn, seconded by Chairman Miller, to amend the previous motion to support SUP at 710 E. Chicago St. and to rescind SUP at 740 E. Chicago St., as presented.

Roll Call Vote:

Ayes: Commissioners: Aaron Garn, Dave Rumsey, Mayor Kramer, Michael Beckwith, Chris Stevens, Jessika Cole, Jeff Budd, Salwa Alsuraimi, and Chairman Miller.

Nays: None.

Motion carried.

Commission Action as amended: Motion by Commissioner Stevens, seconded by Councilmember Beckwith, to approve the Special Land Use permission request for Adult Use Marihuana Retail Establishment to Revolution Strains, Inc., to approve SUP at 710 E. Chicago St. and to rescind SUP at 740 E. Chicago St., as the proposed use will be bound to all requirements for Marihuana uses found in Ordinance 880 of the City of Coldwater Codified Ordinances, as well as all Specific Requirements for Special Land Uses in Section 4.21, as presented.

Roll Call Vote:

Ayes: Commissioners: Salwa Alsuraimi, Aaron Garn, Dave Rumsey, Mayor Kramer, Michael Beckwith, Chris Stevens, Jessika Cole, Jeff Budd and Chairman Miller.

Nays: None.

Motion carried.

UNFINISHED BUSINESS

- None.

NEW BUSINESS

6. 2020 Annual Report – attached in Addendum B.

PUBLIC COMMENTS

- None.

ADJOURNMENT – Next Meeting Monday, April 19, 2021.

Noting no other business to come before this Commission, Chairman Miller adjourned the meeting at 6:11 p.m.



Shauna Chávez
Deputy City Clerk