

Regular Meeting
5:30 P.M.

CITY OF COLDWATER PLANNING COMMISSION
Monday December 6, 2021 Regular Meeting

AGENDA

ROLL CALL

MINUTES

1. Planning Commission regular meeting of November 15, 2021

PUBLIC COMMENTS

PUBLIC HEARING

2. **Landscaping Ordinance** Staff has prepared proposed changes to the Landscaping regulations within the City of Coldwater Zoning Code.

OLD BUSINESS

NEW BUSINESS

PUBLIC COMMENTS

ADJOURNMENT

Next meeting – Monday January 3, 2022

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



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

PLANNING COMMISSION MINUTES REGULAR MEETING

ROLL CALL

Chairman Garn called the meeting to order with the following Commissioners present: Jessika Cole, Dave Rumsey, Mayor Kramer, Councilmember Michael Beckwith, Chris Stevens, Salwa Alsuraimi, Patty DeGroot and Andrew Cameron.

Members Absent: None.

Others present: Dean Walrack, Shauna Chávez, Katie Higgs, Jesse Smith, Jim Odneal, Don Reid and five others.

1. Minutes of the Regular Meeting of October 4, 2021.

Commission Action: Motion by Commissioner Cameron, seconded by Commissioner Cole, to approve and place on file the minutes of the Regular Meeting of October 4, 2021 with the following correction under old business 55 S Garfield Ave. should be 55 S. Michigan, as presented.

Ayes: 9

Nays: 0

Motion carried

PUBLIC COMMENTS (unrelated to items on the agenda)

- Katie Higgs – CEDAM Fellow Intern introduced herself and explained her role with the city over the next year.

PUBLIC HEARING

2. SUP21-20 A request from CWBC Properties, LLC to consider a Special Land Use Permit for the construction and operation of a Multi-Family Residential in a C-4 General Business District located at 421 & 427 N. Willowbrook Rd., Coldwater, MI.

Chairman Garn opened the public hearing at 5:35 p.m.

SUP21-20 A request from CWBC Properties, LLC to consider a Special Land Use Permit for the construction and operation of a Multi-Family Residential in a C-4 General Business District located at 421 & 427 N. Willowbrook Rd., Coldwater, MI.

A special land use permit is required for this project by Section 3.1.10.C of the Zoning Ordinance. Section 6.2 (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.”

CWBC Properties is proposing a 312-unit multi-family residential development on a 20.34 acre site. It will include 10 new three-story buildings, a one-story clubhouse with pool, and eight garages. There will be parking for 551 vehicles. The development will consist of 174 one bedroom units and 138 two-bedroom units.

This application is for the “maximum” that will be proposed to be developed at this site, however there are two elements which may reduce the scope of this plan: an existing utility easement for Consumers Power which the applicant is attempting to vacate, and an additional parcel currently in Coldwater Township which the applicant is purchasing with the intent to transfer into the City and rezone for inclusion in this project. This second point will require that the Planning Commission hold a Public Hearing for the rezoning and another Special Land Use permission at a future meeting.

Administrator Walrack presented the sections of the Zoning Code regarding such a request, as well as the five Discretionary General Standards and 20 Non-Discretionary (Site Review) Standards by which the Commission may make decision regarding the request.

Chad Busch, a representative of the property was on hand to answer Commissioner’s questions.

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

Commission Action: Motion by Councilmember Beckwith, seconded by Commissioner Stevens, to approve Special Land Use Permit 21-20 for the construction and operation of a Multi-Family Residential Dwelling with the following stipulations;

- City of Coldwater and Coldwater Board of Public Utilities staff and consultants review and approval of respective site details.
- City of Coldwater Planning & Zoning Administrator’s review and approval of landscaping plan.
- Soil Erosion and Sediment Control permits and plans are submitted and approved.

- All required sidewalks must be installed at such time that the City of Coldwater’s pedestrian network extends to this site or the Planning Commission deems installation necessary, as presented.

Ayes: 9

Nays: 0

Motion carried

Public Comment

- None.

OLD BUSINESS

3. Landscaping Ordinance Staff has prepared proposed changes to the Landscaping regulations within the City of Coldwater Zoning Code.

Commission Action: Motion by Councilmember Beckwith, seconded by Commissioner Cole, to approve a landscaping zoning text amendment, as presented.

Ayes: 8

Nays: 1 Commissioner Rumsey.

Motion carried

NEW BUSINESS

- None.

ADJOURNMENT – Next Meeting Monday, December 6, 2021.

Noting no other business to come before this Commission, Chairman Garn adjourned the meeting at 6:36 p.m.



Shauna Chávez
Deputy City Clerk

City of Coldwater Planning Commissioners,

The following landscaping ordinance changes have been proposed to provide more clarity and direction on the City's development expectations, provide for some relief from standards which have been out-of-scale with other requirements or difficult to administer, and to provide a framework by which an applicant may propose an alternative plan for the Planning Commission to review.

A Zoning Text Amendment requires a Public Hearing which has been properly noticed under the Michigan Zoning Enabling Act, at which point the Planning Commission will forward a recommendation to the City Council for adoption. The City Council will need to introduce it as an ordinance and then vote on it at a subsequent meeting.

The Public Notice was published in the Coldwater Daily Reporter on November 20, 2021. No public comments have been received as of the distribution of this packet.

The Public Hearing will be held at the December 6 Planning Commission meeting and then forwarded to City Council for their introduction at the December 13 meeting, with ultimate adoption at the December 27 meeting. These dates are subject to change if necessary.

If you have any questions, please do not hesitate to reach out to me with them.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Dean Walrack", with a stylized flourish at the end.

Dean Walrack
Planning & Zoning Administrator
City of Coldwater

5.3 Landscape Requirements

A. Intent and Scope.

Site landscaping requirements are intended to:

1. protect adjacent sites and users from nuisances created by a development; and
2. to curate a quality aesthetic character throughout the City; and
3. to protect local and regional environmental quality.

B. Compliance Required.

1. Whenever any yard (front, side or rear) of a use, other than a single or two-family residential use, is not designated for building, off-street parking, loading or unloading, or other purpose required pursuant to the zoning district requirements, such yard shall be landscaped with either approved natural materials or living plant materials, including grass. To this end, a detailed landscape plan showing the names, both common and botanical, location, spacing, planting and size of all plantings to be installed, and the location and type of all materials proposed to be included in the landscape treatment areas, shall be submitted as part of the site plan approved under the provisions of Section 6.1 Site Plan Review.
2. In the case of Nonconforming Sites, landscaping shall be required to be brought into compliance with this ordinance if a site's building and/or parking footprints are increased by at least 50%. At the time which landscaping compliance is necessary it shall be required in the following locations:
 - a. At the Right-of-Way Front Yard; and
 - b. Coordinated with and adjacent to the improvements which are requiring compliance.

C. Required Landscaping.

1. All landscaping shall consist of approved natural materials or living plant materials.
2. Existing significant trees, tree stands and natural vegetation shall be integrated into the landscaping plan to the extent possible.
3. All existing and future landscaping and screening shall be maintained in a presentable condition and shall be kept free of refuse and debris. All existing and future plant and living materials shall be maintained in a sound, noxious weed-free, healthy and vigorous growing condition, and free of plant disease and insects.
4. All parking lots shall provide and incorporate all of the following landscape items:
 - a. Interior Planting Areas. Interior tree planting areas shall be at least eighty (80) square feet in size and no less than four (4) feet in width. One canopy (deciduous) tree or conifer type tree shall be provided at a rate of one (1) tree per eight (8) parking spaces, however, the required tree may be placed elsewhere within the site with approval granted by the Planning Commission at a public meeting.
 - b. Planting Strips Rear and Side. Each side or rear yard planting strip shall be at least one-hundred (100) square feet in size and no less than five (5) feet in width. One canopy (deciduous) tree or conifer type tree shall be planted at a rate of one (1) tree per eight (8) parking spaces or one (1) for every thirty(30) lineal feet, whichever is greater. Ornamental trees may be provided at a rate of

one tree per eight (8) parking spaces or one (1) tree per twenty (20) lineal feet, whichever is greater. In addition, six (6) deciduous or coniferous shrubs shall be provided for each thirty (30) lineal feet.

- c. Right of Way Front Yard. Along the right-of-way lines of any street, road or highway, a front yard planting strip at least five (5) feet in width shall be provided. Within the front yard planting strip at least one (1) deciduous canopy tree or coniferous tree shall be provided for each thirty feet of frontage. Ornamental trees may be provided at a rate of one (1) per 20 lineal feet of frontage. In addition, six (6) deciduous or coniferous shrubs shall be provided for each thirty (30) lineal feet of frontage. In addition to the required tree and shrubs, the remainder of the front yard planting strip shall be landscaped in grass, ground cover, and other natural landscape materials. Access drives from public rights-of-way through required front yard planting strips shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of plantings required.
- d. Trees and shrubs may be placed either symmetrically or asymmetrically throughout and around the parking area within planting strips and interior planting areas.
- e. Multiple interior planting areas may be grouped or combined.
- f. Interior tree planting areas and side and rear yard planting strips for multifamily residential and commercial activities shall be provided as follows:

TABLE 5.3.B.5.f	
INTERIOR PLANTING AREA REQUIREMENTS	
PARKING LOT SIZE PLANTING AREA	TO PARKING AREA
0 - 10 spaces	Side yard planting strips.
11 - 20 spaces	Side and rear yard planting strips.
21 - 40 spaces	Side and rear yard planting strips and 1 interior planting area per 4,500 square feet of paved parking area
over 40 spaces	Side and rear yard planting strips and 1 interior planting area per 4,000 square feet of paved parking area.

- g. Industrial projects shall not be subject to interior planting areas.

D. Alternatives to Required Landscaping.

The Planning Commission may, at the request of an applicant, approve alternatives to required landscaping under any of the following conditions:

1. The site is located in an area where the Intent and Purpose of this ordinance will be of practical difficulty; or
2. An alternative plan can be demonstrated to be better-suited to the site; or
3. The context of the site is such where the Intent and Purpose of this ordinance may be better served by an alternative plan.

Examples of these conditions include, but are not limited to, preservation of existing vegetation;

site topography; the adjacent uses; or unique geographic features.

The Planning Commission may permit a screening wall, at least thirty (30) inches in height, in lieu of planting strips as provided above, when it determines that the parcel size and configuration are such as will make the provision of the minimum landscape area impractical or overly restrictive as to the development of the site. Such walls shall be of common or face brick or similar appearing material, or of a masonry material which is compatible with that of the principal building on the site.

E. Trash Dumpster Landscaping.

1. Outside trash disposal containers shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of material, which is compatible with the architectural materials used in the site building or project.
2. Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the buildings or projects they serve.
3. Containers and enclosures shall be located away from public view insofar as possible.
4. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
5. Concrete pads of appropriate size and construction shall be provided for containers or groups of containers. Concrete aprons shall also be provided for bin loading.
6. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
7. Screening and gates shall be of a durable construction. Gates shall be made of wood or other durable material and shall be reinforced with a steel sub-structure.

F. Future Phases and Banked Parking Required Landscaping.

1. In the event that a development is to be completed in one or more future phases and/or banked parking is proposed, a landscape or ground cover plan for vacant future phases or banked future parking areas shall be required.
2. Depending on the construction schedule filed with the site plan and or subdivision plat the requirements for landscaping and/or ground cover are as follows:
 - a. All future phases and/or banked future parking that is scheduled to start construction one year or more from the approval date of the first phase of development shall be provided a ground cover such as grass or other appropriate ground cover approved by the Planning Commission. A ground cover plan for all future phases is to be filed and approved with the site plan for the first phase of development. Such future phases or parking areas shall be mowed at least once every two (2) weeks during the growing season. In no such instance shall the future phase or parking area be allowed to grow up into weeds. The ground cover planting is to be complete within the current or next planting season, whichever occurs first.
 - b. The applicant shall also submit a detailed preliminary landscape plan for all future phases and/ or future banked parking areas with the site plan for the first

phase of development. This is to insure integration and compatibility with the landscape plan designed for the first phase of development.

G. Tree/Landscape Planting Area.

1. A minimum distance of three (3) feet from the backside of the curb and the proposed centerline of the landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five (5) feet from the backside of the curb and the proposed centerline of the landscape plantings shall be provided.

H. Landscape Elements. The following minimum standards shall apply:

1. Quality. Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to Branch County, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.
2. Composition. A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
3. Berms. Berms shall be constructed with slopes not to exceed a 1:3 gradient. Berm slopes shall be protected with sod, seed, mulch or other form of natural living ground cover.
4. Existing Trees. The preservation and incorporation of existing trees is encouraged. Where existing trees are used to satisfy the requirements of this Section, the following requirements shall apply:
 - a. Paving or other site improvements shall not encroach upon the dripline of the existing tree(s) to be preserved.
 - b. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the City, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the Planning Commission.
 - c. In the event that healthy trees which are used to meet the minimum requirements of this Ordinance or those labeled to remain are cut down, destroyed, damaged, filled or excavated at the dripline, as determined by the City, the Contractor shall replace them with trees which meet Ordinance requirements.
5. Installation, Maintenance, and Completion.
 - a. All landscaping required by this Ordinance shall be planted before obtaining a Certificate of Occupancy or the appropriate financial guarantee shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.
 - b. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.

c. The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a strong and healthy condition, free from refuse, debris and insects. That is, the owner agrees to an ongoing seasonal maintenance program for all landscaping, and all materials used to satisfy the requirements of this Ordinance which become unhealthy, diseased, damaged, or dead shall be replaced within one (1) year (or the next appropriate planting period, whichever comes first) of the onset of the unhealthy condition, disease, damage, or death. All landscaped areas shall be provided with a readily available and acceptable water supply. Mulching up to the base of trees shall be prohibited.

6. Size and Spacing Requirements. Where landscaping is required the following schedule sets forth minimum size and spacing requirements; for representative landscape materials:

TABLE 5.3.H.6								
SIZE AND SPACING REQUIREMENTS								
TREES	MINIMUM SIZE ALLOWABLE				RECOMMENDED ON-CENTER SPACING			
	6'	3' - 4'	2"	2.5"	30	25	15	10
Evergreen Trees:								
Fir	x						x	
Spruce	x						x	
Pine	x						x	
Hemlock	x						x	
Douglas Fir	x						x	
Narrow Evergreen Trees:								
Red Cedar		x						x
Arborvitae		x						x
Juniper (selected varieties)		x						x
Large Deciduous Trees:				x	x			
Oak				x	x			
Maple				x	x			
Beech				x		x		
Linden				x	x			
Ginko (male only)				x	x			
Honey Locust				x		x		
Birch				x	x			
Sycamore								
Small Deciduous Trees:			x				x	
Flowering Dogwood (disease resistant)			x					
Flowering Cherry, Plum, Pear			x			x		
Hawthorn			x				x	
Redbud			x			x		
Magnolia			x				x	
Flowering Crabapple			x				x	
Hornbeam			x			x		