

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



January 4, 2021
5:30 p.m.
(517) 279-9501
www.coldwater.org

PLANNING COMMISSION MINUTES ELECTRONIC REGULAR 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 imposes restrictions on gatherings, including public meetings, to mitigate the spread of Coronavirus Disease 2019 (COVID-19) and pursuant to authority provided by 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 Regular Meeting via telephone conferencing at **5:30 p.m. on Monday, January 4, 2021**, for purpose of conducting such business that comes before the Commission. 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 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:

1-888-475-4499 or 1-877-853-5257 (Meeting ID: 832 3056 8688) A 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 Coldwater Board of Public Utilities. Those calling in will be able to hear the audio of the CBPU Board meeting, but they will be muted until called upon. 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, Dave Rumsey, Michael Beckwith, Chris Stevens and Jessika Cole. All Commissioners present at the beginning of the meeting indicated they were located inside the City of Coldwater during this electronic meeting, with the exception of Commissioner Cole, who is the member at large, and resides in Girard Township, Michigan. Commissioners also indicated there was one public comment email received as of 3:30 p.m. prior to the meeting (attached in Addendum A).

Commission Action: Motion by Commissioner Beckwith, seconded by Commissioner Rumsey, to excuse the absence of Commissioner Salwa Alsuraimi and Mayor Kramer, as presented.

Roll Call Vote:

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

Nays: Commissioners: None.

Motion carried.

Others present: Dean Walrack, Susan Heath, Pat Pool, Shauna Chávez, Lisa Miller, Audrey Tappenden, Captioner, Joe Neller, Chris Enright, Cody Newman, Jeff Senske, Bill LaDitka, John Abbo and one other.

1. Minutes of the Regular Meeting of December 7, 2020.

Commission Action: Motion by Commissioner Garn, seconded by Commissioner Budd, to approve and place on file the minutes of the Electronic Regular Meeting of December 7, 2020, with corrections noted, twice changing ~~Vice-Chairman Garn~~ to Chairman Miller, as presented.

Roll Call Vote:

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

Nays: Commissioners: None.

Motion carried.

PUBLIC COMMENTS (unrelated to items on the agenda)

- None.

PUBLIC HEARING

2. **SUP21-01** A request from Southern Michigan Bank & Trust to consider a request for Special Land Use permission to operate a Multiple-Family Dwelling as a Primary Use in the building located at 27 Marshall St.

Chairman Miller opened the public hearing at 5:37 p.m.

*Mayor Kramer joined the meeting at 5:39 p.m., and noted he was located in Venice, Florida.

Administrator Walrack presented SUP21-01 and answered Commissioner's questions regarding the Special Land Use Permit petition in accordance with Section 6.2 of the City of Coldwater

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Zoning Ordinance for the operation of a Multiple-Family Dwelling as a Primary Use for the property located at 27 Marshall St., Coldwater, MI.

A special land use permit is required for this project by Section 3.1.8.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.”

Southern Michigan Bank & Trust is requesting permission to convert the former Gillespie Funeral Home building into a seven-unit multi-family residential building. The seven residential units are proposed to comprise five one-bedroom units and two studio units. The building was purpose-built to be used as a funeral parlor with a second-story residence, but has been affected by a deed restriction which prevents it from ever being used for that purpose again. The building is within the Downtown Historic District and is not able to be demolished, however the garage is intended to be removed. The Historic District Commission has already determined that the proposed alterations to the building are of a nature which administrative staff may approve.

Please find below all existing language from the city’s zoning code as it pertains to this application:

Section 3.1.8.A C-2 Central Business District Purpose and Intent of District

This Zone District is intended to serve the entertainment, meeting, and centralized shopping and merchandising activities of the community, together with limited residential and office needs.

Section 3.1.8.C C-2 Central Business District Special Land Uses

The following uses may be permitted, but are subject to the provisions and conditions outlined in Section 6.2 (Special Land Uses):

3. Multi-family dwelling as primary use

Administrator Walrack also presented the five general discretionary standards and the three non-discretionary standards by which the Commission can make determination in the matter, plus provided the following staff commentary. The applicant will be required to submit additional electrical, mechanical, plumbing, and building plans when applying for the respective permits. Their final floor plans will also need to be approved by local Fire Marshal and Building Inspector. The proposed alterations have already been seen by the City of Coldwater Downtown Historic District Commission who have enabled Staff to approve the proposed alterations to the structure. Staff has not identified any issues which it feels additional contingencies would be necessary to address.

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.

Bill LaDitka, representing Southern Michigan Bank & Trust, was also present to answer Commissioner’s questions.

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Public Comment:

- An email letter of support for the SUP, from Ward 1 Councilmember Emily Rissman was read into the minutes (attached in Addendum A).

Commissioner Rumsey asked Economic Director Lisa Miller to present an update at a future meeting, regarding future plans for the downtown area.

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

Commission Action: Motion by Commissioner Beckwith, seconded by Commissioner Cole, to approve the Special Land Use permission request for Multiple-Family Dwelling as a Primary Use to Southern Michigan Bank & Trust as the proposed use will be bound to all Specific Requirements for Special Land Uses in Section 4.21, as presented.

Roll Call Vote:

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

Nays: Commissioners: None.

Motion carried.

3. **SUP21-02** A request from Lume Cannabis to consider a Special Land Use Permit for the operation of an Adult Use Recreational Marihuana Retail Establishment located at 351 S. Willowbrook Rd.

Chairman Miller opened the public hearing at 5:55 p.m.

Administrator Walrack presented SUP21-02 and answered Commissioner's questions regarding the 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 351 S. Willowbrook Rd., Coldwater, MI. A special land use permit is required for this project by Section 6.2 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." Lume Cannabis is requesting permission to operate an Adult Use Recreational Marihuana Retail Establishment from the site currently occupied by Coldwater Auto Service. The site currently consists of a steel pole building used for vehicle repair, and a gravel parking lot.

Administrator Walrack also presented the five discretionary and 20 non-discretionary standards by which the Commission can make determination in the matter, plus provided the following staff commentary. After review, staff notes the following:

- 1) A Soil Erosion Permit be applied for with SESC plans accompanying the application. All SESC activities take place in accordance with methods which satisfy the City of Coldwater Soil Erosion Operator, including immediate removal of sediment and mud tracked onto public roadways.
- 2) All stormwater measures be designed and built to detain the runoff generated by a 100-year storm for controlled release into the city's stormwater system. If the installation of these measures results in a basin or pond within which standing water occurs, that body be screened by a fence to prevent hazardous conditions to children. The basin must be permanently maintained in the manner indicated by the applicant.
- 3) All lighting features installed onsite direct lighting downward and, in a manner, which does not extend beyond the boundaries of the site.
- 4) All signage installed onsite comply with City of Coldwater sign ordinances Section 5.1 and be of a design as to not interfere with vehicular visibility.

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.

Cody Newman and Chris Enright, representing Lume Cannabis, was also present to answer Commissioner's questions.

Public Comment: None

Chairman Miller closed the public hearing at 6:02 p.m.

Commission Action: Motion by Commissioner Stevens, seconded by Commissioner Cole, to approve the Special Land Use permission request for Adult Use Marihuana Retail Establishment to Lume Cannabis 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: Dave Rumsey, Mayor Kramer, Michael Beckwith, Chris Stevens, Jessika Cole, Jeff Budd, Aaron Garn and Chairman Miller.

Nays: Commissioners: None.

Motion carried.

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4. **SUP21-03** A request from Green Peak Industries, LLC to consider a Special Land Use Permit for the operation of an Adult Use Recreational Marihuana Retail Establishment located at 352 S. Willowbrook Rd.

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

Administrator Walrack presented SUP21-03 and answered Commissioner's questions regarding the 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 352 S. Willowbrook Rd. Ste. A, 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."

Green Peak Industries, LLC is requesting permission to operate an Adult Use Recreational Marihuana Retail Establishment from the north-most suite of the commercial strip development which was formerly occupied by the Sears store. All physical changes to the building will be interior of the building. There are 78 parking spaces at the front of the development for customers and employees.

Administrator Walrack also presented the five discretionary and three non-discretionary standards by which the Commission can make determination in this matter, plus provided the following staff commentary. After review, staff notes the following:

The applicant will be required to submit additional 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.

Staff suggests that the following conditions may be applied to approval of the Special Use Permission request:

- 1) All signage installed onsite comply with City of Coldwater sign ordinances Section 5.1 and be of a design as to not interfere with vehicular visibility.

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.

Jeff Senske, representing Green Peak Industries, LLC, was also present to answer Commissioner's questions.

Public Comment: None

Vice-Chairman Garn closed the public hearing at 6:09 p.m.

Commission Action: Motion by Commissioner Stevens, seconded by Mayor Kramer, to approve the Special Land Use permission request for Adult Use Marihuana Retail Establishment to Green Peak, 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: Mayor Kramer, Michael Beckwith, Chris Stevens, Jessika Cole, Jeff Budd, Aaron Garn, Dave Rumsey and Chairman Miller.

Nays: Commissioners: None.

Motion carried.

UNFINISHED BUSINESS

- None.

NEW BUSINESS

- Administrator Walrack noted there will be one new Retail Marihuana SUP, at 880 E Chicago St., for the February 1, 2021 Planning Commission Meeting.

PUBLIC COMMENTS

- None.

ADJOURNMENT – Next Meeting Monday, February 1, 2021.

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



Susan E. Heath, CMC
City Clerk