

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



January 20, 2020
5:30 p.m.
(517) 279-9501
www.coldwater.org

PLANNING COMMISSION MINUTES REGULAR MEETING

ROLL CALL

Chairman Miller called the meeting to order with the following Commissioners present: Jeff Budd, Jessika Cole, Aaron Garn, Dave Rumsey, Mayor Kramer, Michael Beckwith, Chris Stevens and Zack Stempien.

Others present: Dean Walrack, Megan Angell, Keith Baker, Joe Scheid, Susan Heath, Shauna Chávez, Jim Odneal, Emily Rissman, David Woodham, Kim Hemker, Heather Wood, Paul Pope, Randy Leviton, Robert Norman Schooley, Jason Hanson, Carla Quimby, Mike Larson, Ray Heath, Chris Borger, Rebecca Raffle, Mike Scheeser, Don Reid, Jim Measel and 16 others.

1. Minutes of the Regular Meeting of December 2, 2019.

Commission Action: Motion by Commissioner Cole, seconded by Commissioner Rumsey, to approve and place on file the minutes of the Regular Meeting of December 2, 2019, as presented.

Ayes: 9

Nays: 0

Motion carried

PUBLIC COMMENTS (unrelated to items on the agenda)

- Kim Hemker and Heather Wood, from the Branch County Coalition Against Domestic & Sexual Violence, spoke about a coming Poverty Simulation Event.

PUBLIC HEARING

2. SUP 20-01 A proposal to consider a Rooming or Boarding House special use at 55 Church St.

Chairman Miller opened the Public Hearing at 5:35 p.m.

Zoning Administrator Walrack presented SUP 20-01, from Genesis Outreach Ministries for the operation of a Rooming or Boarding House at 55 Church St.

January 20, 2020 – 5:30 p.m.

A special land use permit is required for this project by Section 1278.03 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.”

The Genesis Outreach Ministries is proposing to operate a shelter for nine to 12 homeless individuals from the house at 55 Church St. The shelter will have round-the-clock onsite supervision. The area requirements for Rooming or boarding houses in the A-3 district are 1/200 sq. ft. This site also features a church building which will be used as a warming center and kitchen.

The site is located on the northeast corner of the Church St. and Hudson St. intersection. To the south and west of the site are three churches: The United Methodist Church, Presbyterian Church, and St. Mark’s Episcopal Church. To the north and east are residential neighborhoods. The housing in this area includes several multi-family units and single-family homes. Please find below all existing language from the city’s zoning code as it pertains to this application:

Section 1280.01 A-3 Multi-Family Residential District Primary Intent of District

This Zone District is designed primarily for apartments, dwelling groups, and one and two-family residences.

Section 1280.03 A-3 Multi-Family Residential District Special Land Uses

The following uses may be permitted, but are subject to the provisions and conditions outlined in Chapter 1295 (Special Land Uses):

(e) Rooming or boarding houses, or other transient housing. For each roomer, boarder or student:

- 1) A floor area, exclusive of basement or attic space, of 200 square feet shall be provided.
- 2) A lot area of 1,200 square feet shall be provided.
- 3) One off-street parking space shall be provided for each three such persons.

Administrator Walrack presented the following five Discretionary (Special land Use) and six Non-Discretionary (Site Review) standards by with the Planning Commission may consider approval of SUP 20-01:

Discretionary (Special Land Use) Standards:

- 1) The special land use shall be harmonious with and in accordance with the general objectives, intent and purposes of this Code.
- 2) 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.
- 3) The special land use shall not change the essential character of the surrounding area.
- 4) 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.

January 20, 2020 – 5:30 p.m.

- 5) 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.

Non-Discretionary (Site Review) Standards:

- 1) **Adequacy of Information** – The site plan shall include all required information in sufficiently complete and understandable form to provide and accurate description of the proposed uses and structures. All required application materials have been provided. A site plan was not required of the petitioner as no additional physical changes are proposed to the site.
- 2) **Site Design Characteristics** – All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character or adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance. The proposed project would utilize an existing two-story single-family home, while the church building will continue to be used for religious assembly purposes including a drop-in/warming service, food pantry, and meal service in addition to traditional preaching. No site related changes that would impact adjacent property are proposed.
- 3) **Emergency Vehicle Access** – All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access. The Fire Department has reviewed the proposed site for fire safety issues. The house will not require a suppression-system however any overnight use of the church building will require the installation of a sprinkling system in that building.
- 4) **Parking** – The proposed development shall provide adequate off-street parking in accordance with the requirements in Chapter 1296 of this ordinance. The site can accommodate four to five vehicles in an orderly manner.
- 5) **Sequence of Development** – All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites. The applicant is currently working in the church building to prepare it for use as a warming center and kitchen, with the operation of the shelter in the house to come later this year.
- 6) **Coordination with Adjacent Sites** – All site features; including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties. All activities of the proposed use would be contained on the subject parcel. The property is essentially a gateway between the downtown and the religious and fraternal institutions and the northeast residential neighborhoods. Care should be dedicated to ensuring that these neighborhoods are not adversely affected by this Special Use, such as instances of unauthorized use of nearby private lots or an increase in reports of vagrancy or trespassing.

Staff review and comment:

The City is currently facing a crisis of emergency sheltering for vulnerable families and individuals. The Mission at 26 Harrison St., Tommy's House at 50 N. Clay St., and the Family

January 20, 2020 – 5:30 p.m.

Promise at 63 W. Washington St. have ceased operation within the last year. The location is near several churches which provide supportive services for vulnerable populations within the region. It is also within walking distance to City and County facilities, the Post Office, grocery stores, and other institutional, commercial, and service offerings.

This site is also a gateway between the downtown and the residential neighborhoods to the northeast. There are several owner-occupied single-family homes, as well as renter-occupied homes and multi-family residences within the immediate area.

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

- 1) No sleeping is permitted in either the church building (54 N. Hudson St.) or the garage without proper life safety equipment reviewed and approved by the City of Coldwater Fire Marshal and Building Inspector.
- 2) The building(s) used for boarding, rooming, or sheltering are granted rental certificates by the Neighborhood Services Department.
- 3) The Special Use Permission may be revoked if the Neighborhood Services Department receives an abundance of code violations including, but not limited to:
 - a. Unauthorized parking at adjacent private lots
 - b. Trespassing or vagrancy in nearby neighborhoods
 - c. Disorderly conduct
 - d. Property Maintenance Code or Rental Ordinance violations
- 4) Tenant occupancy is limited to seven persons (one per 200 sq. ft. of area [Ord. 1280.03 e 1]) or another limit which the Planning Commission finds appropriate.

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.

Paul Pole, of Genesis Outreach Ministries, was on hand to present information and answer Commissioner's questions.

Public Comment:

- Paul Pope presented information regarding his proposed Rooming or Boarding House at 55 Church St.

Comments in favor of the project:

- Randy Leviton, Damascus Road Ministries.
- Robert Norman Schooley, former pastor of the church and father in-law of Paul Pope.
- Jason Hanson, 34 N. Hudson St.

Comments in opposition to the project:

- Carla Quimby, 58 N. Hudson St.
- Mike Larson, 57 Church St.
- Ray Heath, 33 Church St.
- Chris Borger, Branch County Gay Pride

Commission Discussion:

- Rental inspection needed.
- Additional screening, privacy fencing, for adjacent neighbors.
- Provide for a clear process to revoke SUP.

January 20, 2020 – 5:30 p.m.

- Noted Damascus Road was denied for similar reasons.
- What is the difference between an apartment and a shelter – length of stay; lease requirements.
- Zoning appropriateness for this type of program.
 - Differences between homelessness and addiction.
- Current conditions of the house and what is needed to bring it up to rental code.

Chairman Miller closed the Public Hearing at 6:22 p.m.

Commission Action: Motion by Mayor Kramer, seconded by Commissioner Garn, to approve SUP 20-01 along with the above noted conditions, as presented.

Roll Call Vote:

Ayes: Commissioners: Garn, Kramer, Beckwith, Miller

Nays: Commissioners: Budd, Cole, Rumsey, Stevens, Stempien

Motion failed. SUP 20-01 denied.

Commissioners suggested property improvements including privacy fencing before the project could be looked at again.

OLD BUSINESS

3. Draft Solar Energy Facility Ordinance

Points of discussion:

- Height no more than 8 ft.
- Not allowed in front yards.
- No ground-mounted units
- Enforcement and performance bonds
- Administrative approval
- Screening requirements

4. Draft Marihuana Establishment Ordinance

Public Comment:

- Rebecca Raffle, The Happy Camper; Growcart
- Mike Scheeser, Galenas
- Emily Rissman, City Councilmember Ward 1

Points of discussion:

- Explore by-right uses
- Lighting Standards
- Investigate effect of buffers from facilities: 1,000 ft., 500 ft., etc.

NEW BUSINESS

- None

PUBLIC COMMENTS

- None

ADJOURNMENT – Next Meeting Monday, February 3, 2020.

Noting no other business to come before this Commission, Chairman Miller adjourned the meeting at 7:50 p.m.

Susan E. Heath, CMC
City Clerk