

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



February 1, 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 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 City Council will hold a Regular Meeting via telephone conferencing at 5:30 p.m. on Monday, February 1, 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 wishing to participate in the meeting through electronic means will have access to the meeting through 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: **1-877-853-5257** or **1-888-475-4499 (Meeting ID: 817 4368 8440)** 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 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; and the City Clerk Susan Heath indicated she was located in Litchfield, MI. Commissioners also indicated there were no public comment emails received as of 3:30 p.m. prior to the meeting.

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

Roll Call Vote:

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

Nays: Commissioners: None.

Motion carried.

Others present: Dean Walrack, Susan Heath, Pat Pool, Shauna Chávez, Keith Baker, Megan Angel and three others.

1. Minutes of the Regular Meeting of January 4, 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 January 4, 2021, as presented.

Roll Call Vote:

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

Nays: Commissioners: None.

Motion carried.

PUBLIC COMMENTS (unrelated to items on the agenda)

- None.

PUBLIC HEARING

2. SUP21-04 A request from Aim High Meds, LLC to consider a Special Land Use Permit for the operation of an Adult Use Recreational Marihuana Retail Establishment located at 880 E. Chicago St.

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

Administrator Walrack presented SUP21-04 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 880 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.”

Aim High Meds, LLC is requesting permission to operate an Adult Use Recreational Marijuana Retail Establishment from the existing commercial structure. Several renovations which do not meet the threshold to require Site Plan Review have begun on this building. There is a 14-space concrete parking lot in the building’s front (north) and a gravel surface in the building’s rear (south).

Administrator Walrack also presented the following pertinent sections of the City’s zoning code. Section 3.1.10.A C-4 General Business District Primary Intent of District
This Zone District is intended to satisfy the land needs for a wide range of business uses and to cater to the needs of a larger consumer population than is served by the other commercial business districts.

Section 3.1.10.C C-4 General Business District Special Land Uses

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

(m) Marijuana Retailer or Marijuana Microbusiness subject to all separations and conditions specified in Section 4.21 of these Ordinances.

Section 4.21 Special Land Use Specific Requirements: Adult Use Marijuana Establishments.

Administrator Walrack also presented five discretionary general standards and four non-discretionary standards by which the Planning Commission may make a decision regarding the request.

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. The applicant has already been approved for some permits at their request with the knowledge that they may not be granted permission to operate this Special Land Use.

The parking lot in the front should be adequately maintained and striped to ensure that parking is as orderly as possible. The zoning ordinance requires all new parking areas to be paved in concrete or asphalt and the rear parking is currently a non-conforming gravel surface.

The access points to the site are currently non-conforming due to the arrangement of preexisting drives to this and the neighboring sites, as well as the asphalt drive approach. There is a provision in the ordinance specifically allowing accesses to be reduced to the next lowest classification by the Zoning Board of Appeals, which would allow spacing of 225 ft. centerline-to-centerline, however there appears to be no physical way for this provision to be exercised in a way which would create compliance.

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.

Tracy and Mike Neely, representing Aim High Meds, LLC, were also present to answer Commissioner's questions.

Public Comment: None.

Chairman Miller closed the public hearing at 5:50 p.m.

Commission Action: Motion by Commissioner Cole, seconded by Commissioner Beckwith, to approve the Special Land Use permission request for Adult Use Marihuana Retail Establishment to Aim High Meds, LLC as the proposed use will be bound to all requirements for Marihuana uses found in Chapter 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, Jessika Cole, Jeff Budd, Aaron Garn and Chairman Miller.

Nays: Commissioners: Chris Stevens.

Motion carried.

UNFINISHED BUSINESS

3. **Discussion** a final draft of language to regulate non-household Animals within the City's residential areas.

The Planning Commission has been seeking a way to protect the rights of residents who wish to keep certain non-household animals, as well as residents who have an expectation of separation from non-domestic and semi-domestic animals.

This proposal is intended to differentiate Farm Animals from a class of small semi-domestic animal which is not typically kept as a pet, called "Garden Animals" in this draft. It will then direct non-household and non-Garden Animals to properties zoned A-A One-Family Agricultural Residential.

This proposal does not place any limits on the number of Garden Animals a household may host, nor does it create a time limit during which those animals could exist on a permitted property.

It does create a deadline after which existing non-conforming permissions would expire and require that a new permit be applied for and conformity with this framework would be required.

Staff is proposing to add two definitions to Article 3 Definitions:

Animal, Farm: Any animal customarily found in farming operations such as but not limited to all breeds of horses, cows, goats, pheasants, ducks, geese, sheep, swine or any other type of poultry or fowl. A farm animal shall also include all animals classified as livestock by the State of Michigan.

Animal, Garden: Animals, fowl, or bees typically under 10 lbs. in weight which are not normally or customarily kept for companionship inside of a residence. This class of animals does not include nuisance-creating animals such as roosters or waterfowl.

Staff is proposing to add the following to Article 4 Use Standards:

- A. Farm animals are allowed only on properties zoned A-A One-Family Agricultural Residential District.
- B. Garden Animals are allowed accessory to all residential uses subject to the following requirements:
 - 1) No person shall keep any such animals without first obtaining a permit from the Building Commissioner.
 - 2) Garden Animals must remain within an Enclosure at all times which they are not being handled directly.
 - 3) Enclosures must be suitable to the particular needs of the animals and kept in orderly condition. Enclosures will include shelters, fencing, and all lands contained within. Construction of all Enclosures must comply with all applicable City and State ordinances and codes at the time of application.
 - 4) No element of any Enclosures may be located within any yard setbacks for Primary Structures within the respective zoning districts.
- C. Existing Non-Conformities: Upon adoption of this ordinance, all current animal permits will expire in one (1) year or upon the removal of the current permitted animals. Upon expiration of current permit, no new permit may be issued unless all Animals and Enclosures are in compliance with this ordinance.

The Board came to the consensus to update and clarify our Animal Ordinance, including setbacks and total quantity of animals allowed, to be presented at a future Planning Commission meeting.

NEW BUSINESS

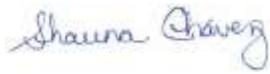
- None

PUBLIC COMMENTS

- None.

ADJOURNMENT – Next Meeting Monday, March 1, 2021.

Noting no other business to come before this Commission, Chairman Miller adjourned the meeting at 6:45 p.m.

A handwritten signature in blue ink that reads "Shauna Chavez". The signature is written in a cursive style.

Deputy City Clerk