

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