

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



June 7, 2021
5:30 p.m.
(517) 279-9501
www.coldwater.org

PLANNING COMMISSION MINUTES ELECTRONIC REGULAR MEETING

The City of Coldwater Planning Commission will hold an Electronic Regular Meeting through Zoom, beginning at **5:30 p.m. on Monday, June 7, 2021**, for purpose of conducting such business that comes before the Planning Commission. The meeting will take place electronically due to the COVID-19 Pandemic, current rates of infection in Branch County, social distancing requirements and gathering limitations in orders issued under the Public Health Code by Michigan's Director of Health and Human Services and pursuant to authorization for remote meetings found in Michigan's Open Meetings Act, MCL 15.263, as amended in Public Act 254 of 2020, authorizing remote meetings pursuant to established procedures in the event of a statewide or local state of emergency or disaster declared pursuant to law, charter, or local ordinance to preserve the personal health or safety of members of the public or the public body and the Coldwater City Council's declaration of a local state of emergency on March 22, 2021 in Resolution 21-18, which extended the authority for City Boards to conduct remote meetings until August 31, 2021, and the Branch County Board of Commissioners' December 8, 2020 declaration 2020-09 of a local state of emergency which extended authority to conduct remote meetings until December 31, 2021 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: 872 7930 9582)** 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 City Boards. Those calling in will be able to hear the audio of the City Board 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, Dave Rumsey, Mayor Kramer, Michael Beckwith and Chris Stevens. All indicated they were located inside the City of Coldwater; several Commissioners indicated they had received one public comment email from Tom Manning by 3:30 p.m. prior to the meeting (to be presented by Administrator Walrack later in the meeting).

Commission Action: Motion by Commissioner Stevens, seconded by Councilmember Beckwith, to excuse the absence of Commissioners Salwa Alsuraimi and Jessika Cole, as presented.

Roll Call Vote:

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

Nays: Commissioners:

Motion carried.

Others present: Dean Walrack, Susan Heath, Pat Pool and three others.

1. Minutes of the Regular Meeting of May 3, 2021.

- Commissioner Rumsey asked for the complete letters received for public comment, as well as more of the discussion from each meeting to be included with the minutes.

Commission Action: Motion by Mayor Kramer, seconded by Councilmember Beckwith, to approve and place on file the minutes of the Electronic Regular Meeting of May 3, 2021, as presented.

Roll Call Vote:

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

Nays: Commissioners: Dave Rumsey.

Motion carried.

PUBLIC COMMENTS (unrelated to items on the agenda)

- None

PUBLIC HEARING

2. SUP21-13 A request from Constantine Products, 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 398 N. Willowbrook Rd. Ste. D, Coldwater, MI.

Chairman Miller opened the public hearing at 5:39 p.m.

Administrator Walrack presented SUP21-13, a request from Constantine Products, 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 398 N. Willowbrook Rd. Ste. D, Coldwater, MI. A special land use permit is required for this project by Section 6.2 of the Zoning Ordinance. Section 6.2.C.4 (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.”

Administrator Walrack presented the sections of zoning code and the discretionary as well as non-discretionary standards, by which the Planning Commission may make a decision regarding this request.

Constantine Products, LLC is requesting permission to operate an Adult Use Recreational Marihuana Retail Establishment from a central suite of the commercial strip development which has previously been vacant. All physical changes to the building will be interior of the building. There are 158 parking spaces at the front of the development for customers and employees.

After review, staff notes the applicants are proposing no changes to the footprint of the building or the parking area presently.

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.

David Hughes, representative of the property was on hand to answer Commissioner’s questions and provide additional information including plans to improve the building and redo the parking lot; noted the unit has a separate self-contained H-Vac System so shouldn’t be of concern to adjacent neighbors; he also noted his organization’s other location in Constantine, Michigan was recently voted Best Dispensary in West Michigan.

Public Comment: None.

Chairman Miller closed the public hearing at 5:46 p.m.

Commission Action: Motion by Councilmember Stevens, seconded by Mayor Kramer, to approve the Special Land Use permission request for Adult Use Marihuana Retail Establishment to Constantine Products, LLC, located at 398 N. Willowbrook, Ste. D, as the proposed use will be

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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: Michael Beckwith, Chris Stevens, Jeff Budd, Aaron Garn, Mayor Kramer and Chairman Miller.

Nays: Commissioners: Dave Rumsey.

Motion carried.

3. SUP21-14 A request from Yuma Way, LLC to consider a Special Land Use Permit for the operation of an Adult Use Recreational Marihuana Grow; Class C located at 325 Jay St.

Chairman Miller opened the public hearing at 5:47 p.m.

Administrator Dean Walrack presented SUP21-14 a request from Yuma Way, 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 Grow Class C Establishment use for the property located at 325 Jay St., Coldwater, MI.

A special land use permit is required for this project by Section 6.2 of the Zoning Ordinance. Section 6.2.C.4 (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."

Administrator Walrack presented the sections of zoning code and the discretionary as well as non-discretionary standards, by which the Planning Commission may make a decision regarding this request.

Yuma Way, LLC is requesting permission to operate an Adult Use Recreational Marihuana Grow Class C Establishment from the southern portion of the industrial building at 325 Jay St. There is a 23-space parking lot on-site.

After review, staff notes the applicants are proposing no changes to the footprint of the building or the parking area presently. The parking area on site does not contain any accessible spaces. The site is ~250 ft. from property zoned D-2 Heavy Industrial, but in residential use.

The applicant is volunteering an Odor Management Plan.

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.

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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.

- Commissioner Rumsey asked about the two houses located within the zoning district less than 500 feet from the proposed establishment. Administrator Walrack noted these two homes were built in the early 1900s prior to the zoning code establishment, but were never zoned as residential. Commissioner Rumsey also noted the City has odor ordinances which ought to be upheld and special use permits should be rescinded if not; further, he expressed a hoped there wouldn't be any issues but if there are the City will take care of it.
- Commissioner Garn, having spoken with individuals from the Marshall area, which already has some Marihuana Grow operations, noted there is some odor from the greenhouses located there and expressed concern that there may be odor here as well. Administrator Walrack noted this establishment will be a different type of construction than Marshall's greenhouses; he also noted Marshall does occasionally get odor complaints but according to Marshall officials the grow operators strive to address such complaints and to be good neighbors.

Kirill Merkulov and Rita Tsalyuk, representatives of the property were on hand to answer Commissioner's questions and provide additional information:

- This one license will allow up to 2000 plants with additional licensing required if more plants were to be added later.
- There are no plans for retail at the establishment.
- The establishment has reached out to those who provided letters of opposition during the May meeting and provided direct contact information.
- Negative air pressure (airlock) should solve the vast majority of odor problems, but this will be an industrial type building rather than a greenhouse and odors shouldn't escape as easily.
- The only traffic in and out of the facility will be employees, deliveries and shipments.

Administrator Walrack read the emailed letter from Tom Manning, President of AP Products, 200 Jay St., was received regarding this request (attached in Addendum A).

Public Comment: None.

Chairman Miller closed the public hearing at 6:09 p.m.

Commission Action: Motion by Mayor Kramer, seconded by Councilmember Beckwith, to approve the Special Land Use permission request for Adult Use Marihuana Grow Class C Establishment to Yuma Way, LLC, located at 325 Jay Street, 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: Chris Stevens, Jeff Budd, Aaron Garn, Dave Rumsey, Mayor Kramer, Michael Beckwith and Chairman Miller.

Nays: Commissioners: None.

Motion carried.

UNFINISHED BUSINESS

4. Passage of Animal Ordinance as recommended by City Council on 5-24-2021.
 - Commissioner Rumsey noted a letter from Tracy Kelley regarding cats in the downtown and asked staff to address that.
 - Commissioner Garn was also concerned with animal odors in the downtown.
 - Administrator Walrack noted there is also some concern with dogs in residential areas, and that staff will be looking at the keeping of animals downtown; an odor reader will also be investigated; Neighborhood Services and the Health Department have both been heavily involved with this issue for some time now.
 - Commissioner Budd asked staff to explore designating a pet store or pet rescue as a “Special Use Permit” within the zoning code.
5. No issuance of moratoriums by City Council on Marihuana Grow establishments.
6. No issuance of moratoriums by City Council on Marihuana Retail establishments.
 - Commissioner Stevens expressed concern with the number of marihuana business permits received and wondered how many more may yet be received.
 - Councilmember Beckwith noted the serious legal implications connected with adopting such a moratorium.
 - Mayor Kramer noted the Council did not want to get into the business of picking winners and losers, but looked to survival of the fittest as the means to keep the numbers lower.
 - Commissioner Garn expressed concern that the marihuana businesses in the industrial zone may displace businesses already there. Rita Tsalyuk, representing Yuma Way was still present at the meeting and stated a desire and plan to reach out to all the current businesses that may be affected by Yuma Way.
 - Commissioner Budd noted potential land acquisitions connected with marihuana businesses in the industrial zone have all fallen through and that now may be the time to reconsider placement of a moratorium on retail business in that zone.
 - Commissioners Garn and Rumsey also expressed a desire to have the Council reconsider a moratorium on Retail in the Industrial Zone.

7. Mayor Kramer asked the Commission to readdress Landscaping within the Zoning Code.

After some discussion it was the consensus of the Commission to have staff revisit landscaping. Administrator Walrack asked the Commission to provide a bit more guidance and direction, regarding intent, aesthetics, location, purposes, water management, etc., in developing the future Landscaping ordinance within the Zoning Code.

NEW BUSINESS

- None.

PUBLIC COMMENTS

- IT Director Pat Pool noted as we move back towards in person meetings, the City will continue with the streaming of meetings.

ADJOURNMENT – Next Meeting Monday, July 19, 2021.

Noting no other business to come before this Commission, Chairman Miller adjourned the meeting at 6:48 p.m.



Susan E. Heath, CMC, MiPMC
City Clerk

SUP 21-14 Public Hearing Notice

Tom Manning <tom.manning@aproducts.net>

Tue 6/1/2021 3:35 PM

To: Walrack, Dean <dwalrack@coldwater.org>

Cc: awmiller192@gmail.com <awmiller192@gmail.com>; alsuraimi@outlook.com <alsuraimi@outlook.com>; mbeck@coldwater.org <mbeck@coldwater.org>; Budd, Jeff <jbudd@coldwater.org>; jessika.l.cole@gmail.com <jessika.l.cole@gmail.com>; aaron.garn@zetaone.com <aaron.garn@zetaone.com>; rdavid.rumsey@gmail.com <rdavid.rumsey@gmail.com>; mservicechris@aol.com <mservicechris@aol.com>; Kramer, Thomas <tkramer@coldwater.org>

Good afternoon Dean,

I am in receipt of your letter regarding the above subject matter relating to a request for a special land use permit. I received notifications for our 200 Jay, 230 Jay and 300 Jay Street addresses. Thank you for your correspondence.

It would be my desire to listen to the meeting – although I may not need to make public comment – it would be good to hear what comments are being made as there may be concerns I have not considered. My best bet is likely the live stream.

As this proposal is new to me, there are but a few questions/concerns I would have:

- It is my understanding that this facility would be a wholesale trade facility/grow operation and would not be a retail sales facility. My concern being, the amount of traffic adding to what is becoming a busy area. Retail trade needs to be restricted to areas where that is designed. Don't need additional cars speeding up and down Jay – mixed in with the truck traffic.
- In addition, I have no experience with the operation of such a facility of this size – I am not capable of judging the extent of the odor it would create. While we are occasionally blessed with the sewer treatment facility and the rendering works when the breezes are just right (we seem to be spared the onion bagel aroma of late)... Those facilities are quite a distance from us and the aromas are muted and only occasional. I am not sure about such a facility being directly across the street. I would need to defer to those with more experience to understand if it would be an issue, as it is beyond my expertise.

I am not morally opposed to such an operation. However, if you are soliciting my opinion... if any of the above is in question – it may not be the right place for such a facility.

Since moving to the Industrial Park in 2005 – when there were many vacant buildings – we have done our small part in providing the area with fairly good quality jobs. We do our best to be good custodians of the neighborhood and the environment overall. We especially strive to take care of our most valued asset (our people) and provide them with a safe, comfortable work environment as best we can. We would appreciate your support in doing the same as you make your considerations.

When we moved to the Industrial Park in 2005ish... there were a lot of empty buildings. Times have changed and we as a community should be able to be a little more selective with special use permits.

If anyone has the direct answers to the issues above or, a general desire to address my concerns, please feel free to call me and/or reply to this email.

Sincerely and with respect,

Tom

Tom Manning
President
AP Products
200 Jay Street

Coldwater, MI 49036
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Direct 527-278-2586
Cell 269-209-1580

CAUTION:

This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.