

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



July 19, 2021
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, Salwa Alsuraimi.

Others present: Dean Walrack, Susan Heath, Shauna Chávez; Cody Newman, Don Reid and two others.

1. Minutes of the Regular Meeting of June 7, 2021.

Commission Action: Motion by Commissioner Rumsey, seconded by Commissioner Stevens, to approve and place on file the minutes of the Regular Meeting of June 7, 2021, as presented.

Ayes: 9

Nays: 0

Motion carried.

PUBLIC COMMENTS (unrelated to items on the agenda)

- None.

PUBLIC HEARING

2. SUP21-15 A request from Joyology to consider a Special Land Use Permit for the operation of an Adult Use Recreational Marijuana Retail located at 365 N. Willowbrook Rd. Ste. C.

Chairman Miller opened the public hearing at 5:32 p.m.

Administrator Walrack presented SUP 21-15 A request from Joyology, 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 365 N. Willowbrook Rd. Ste. E, 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.”

Joyology is requesting permission to operate an Adult Use Recreational Marijuana Retail Establishment from the eastern suite of the commercial strip development which is currently occupied by the Maytag Coin Laundrymat. All physical changes to the building will be interior of the building. The parking lot contains 42 marked parking spaces at the front (north) of the development.

Administrator Walrack presented the sections of the Zoning Code regarding such a request, as well as the five Discretionary General Standards and three Non-Discretionary (Site Review) Standards by which the Commission may make decision regarding the request.

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.

2. Parking

The proposed development shall provide adequate off-street parking in accordance with the requirements in Section 5.2 of this ordinance.

There are currently 42 parking spaces for employees and customers in the commercial strip development’s front (north).

3. 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.

The Establishment is to be operated in a manner which prevents odor from being detected outside the bounds of the building or suite. It must also limit its hours of operation to 9:00 a.m. through 9:00 p.m. Waste must also be properly disposed of.

Traffic may leave the site by the east-west service drive on the north which links to N. Willowbrook Rd. and Anderson Dr. or through the access drive to the west which links south to E. Chicago St.

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.

After review, staff notes the following:

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.

Cody Newman of Driven Design, representative of the property was on hand to answer Commissioner's questions.

Administrator Walrack read an email comment from Omar Fakhouri (attached in Addendum A).

Public Comment: None.

Chairman Miller closed the public hearing at 6:00 p.m.

Commission Action: Motion by Commissioner Cole, seconded by Commissioner Stevens, to approve the Special Land Use Permit for Adult Use Recreational Marihuana Retail Establishment to Joyology located at 365 N. Willowbrook Rd. Ste. C, 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: Garn, Mayor Kramer, Councilmember Beckwith, Stevens, Budd, Cole, Alsuraimi, and Chairman Miller.

Nays: Commissioners: Rumsey.

Motion carried.

Public Comment: None.

OLD BUSINESS

3. Commissioner Rumsey asked about the landscaping and downtown animal ordinances. Mayor Kramer suggested this topic be added to the September meeting.

NEW BUSINESS

4. Resolution 21-23 A resolution regarding the 2022 Meetings of the Coldwater Planning Commission.

Commission Action: Motion by Commissioner Garn, seconded by Commissioner Rumsey, to approve to accept the library meeting dates for 2022 (attached in Addendum B), as presented.

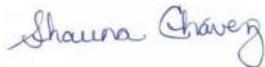
Ayes: 9

Nays: 0

Motion Carried.

ADJOURNMENT – Next Meeting Monday, August 16, 2021.

Noting no other business to come before this Commission, Chairman Miller adjourned the meeting at 6:19 p.m.



Shauna Chávez
Deputy City Clerk

Public Comment Re: SUP21-15

Walrack, Dean <dwalrack@coldwater.org>

Mon 7/19/2021 3:27 PM

Cc:

- Omar Fakhouri <omar.fakhouri1@gmail.com>;
- Heath, Sue <sheath@coldwater.org>;
- Chavez, Shauna <schavez@coldwater.org>;
- Sikorski, Debra <dsikorski@coldwater.org>

Good afternoon Planning Commissioners,

Below is a Public Comment for tonight's Public Hearing item SUP21-15. I will also read this comment aloud during the Public Hearing at tonight's meeting.

Planning Commissioners,

Please accept this email as our concern for the special use approval consideration for another retailer/dispensary at 365 N Willowbrook Rd. As background, I am a member of Green Bronco, LLC / dba Mint Cannabis, a company that received its special use approval earlier this year at the same exact location (one suite away) from the subject property.

My concern is not related to allowing approval of more cannabis dispensaries within Coldwater, although at some point there will be excessive concentration of facilities that will lead to businesses failing and subsequently vacant buildings. **My primary concern is the location of this application and the impact of having multiple retail dispensaries in the same plaza sharing 1 parking lot.**

I've provided my feedback on 2 standards that I'd like the Commission to consider when deciding on the special land use approval

Discretionary General Standards (listed those not in compliance)

- The special land use shall not change the essential character of the surrounding area,
 - We believe that cannabis dispensaries have a role to play in the community and are a necessity, however, we do believe that having a concentration of facilities **will change** the character of the surrounding area. We do not want to suggest that the change will be exclusively negative, however, we do believe that the character would change to more adult use type of operations and draw that type of business and those types of tenants. Consequently, alternative business

types may elect to relocate to other areas due to a heavy concentration of adult use businesses (e.g., businesses geared towards youths like daycares)

- 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.
 - The amount of traffic one retail dispensary will draw is extremely high (over 400 customers a day). This coupled with having 20+ employees at our facility, offering curbside pick up and offering delivery services, accepting deliveries from vendors daily, will result in a high level of traffic in and out of the vicinity. While I believe our current facility can be supported, we believe that having another same sized facility at the same building sharing 1 parking lot, sharing the same ingress/egress will become hazardous and result in excessive traffic. A dispensary operation is complex and generates traffic from not just customers, but the operation itself.
 - We have serious concerns on the availability of parking when you have 2 high traffic dispensaries operating in the same small (3 unit plaza) and sharing a parking lot. 42 spaces may seem sufficient for a typical retail business, however, we anticipate this will be inefficient to support the 3 suites/tenants in this plaza.
 - As anecdotal evidence, our Kalamazoo dispensary exceeded its parking expectations and we had to purchase the adjacent building to utilize their parking. In fact, parking is one of the key criteria we use as a company to assess if the business can handle the anticipated volume of customers. We project our dispensary will be busier than our Kalamazoo dispensary.

In short, I am not against more marijuana retailers opening up in Coldwater and actually support the growth of the industry (we did not have issue with the former Goodwill building being approved as a dispensary as there would be sufficient parking to support it on its own). We just have concerns for the adjacent businesses when 2 high traffic dispensaries open next door to each other with insufficient infrastructure to support. We believe there is strong evidence of non-compliance to the discretionary general standards.

Thank you for your consideration.

Omar Fakhouri
email | omar.fakhouri1@gmail.com

Dean Walrack
Planning & Zoning Administrator
517-279-6926