

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



August 17, 2020
5:30 p.m.
(517) 279-9501
www.coldwater.org

**PLANNING COMMISSION MINUTES
ELECTRONIC REGULAR MEETING**

Any interested person or group may address the City Planning Commission on any agenda item when recognized by the presiding officer or upon request of any Commission Member. Also, any interested person or group may address the Planning Commission on any matter of concern not on the Agenda during the agenda item designated Public Comment. The comment of any member of the public or any special interest group may be limited in time. Such limitation shall not be less than five minutes unless otherwise explained by the presiding officer, subject to appeal by the Commission.

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:

1-888-475-4499 or 1-877-853-5257 (Meeting ID: 856 8622 1935) 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.” Those calling in will be able to hear the audio of the City Planning Commission meeting, yet their microphone will be muted. Callers who do not wish to give public comment are encouraged to view the meeting live-streamed on YouTube at, bit.ly/ColdwaterVideo.

ROLL CALL

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

Commission Action: Motion by Commissioner Stevens, seconded by Commissioner Beckwith, to excuse the absence of Commissioner Rumsey and Mayor Kramer, as presented.

Roll Call Vote:

Ayes: Commissioners: Beckwith, Stevens, Stempien, Budd, Cole, Garn and Chairman Miller.

Nays: Commissioners: None.

Motion carried.

Others present: Dean Walrack, Susan Heath, Keith Baker, Pat Pool, Megan Angell, Jill Bahm, Brian Goodman, Abdulhameed Nasser, Closed Captioner and one other.

1. Minutes of the Special Meeting of July 6, 2020.

Commission Action: Motion by Commissioner Cole, seconded by Commissioner Budd, to approve and place on file the minutes of the Electronic Regular Meeting of July 6, 2020, as presented.

Roll Call Vote:

Ayes: Commissioners: Beckwith, Stevens, Stempien, Budd, Cole, Garn and Chairman Miller.

Nays: Commissioners: None.

Motion carried.

PUBLIC COMMENTS (unrelated to items on the agenda)

- None

PUBLIC HEARING

2. **SUP20-02** A request by Prairie Built Barns of Coldwater Sales & Design Center, LLC to operate an Outdoor Display and Sales of merchandise at 373 N. Willowbrook Rd.

Chairman Miller opened the Public Hearing at 5:34 p.m.

Zoning Administrator Dean Walrack presented SUP20-02 a request by Prairie Built Barns of Coldwater Sales & Design Center, LLC to operate an Outdoor Display and Sales of Merchandise at 373 N. Willowbrook Rd.

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."

Prairie Built Barns of Coldwater Sales & Design Center, LLC is requesting permission to use a portion of parking lot to display the sheds which they design and sell from a suite within the Willowbrook Plaza. The parking lot of the Willowbrook Plaza exceeds current minimum regulations and this portion of parking lot is the furthest from the building and is rarely used. Please find below all existing language from the city's zoning code as it pertains to this application:

Section 1291.01 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 1291.03 C-4 General Business District Special Land Uses

July 6, 2020 – 5:30 p.m.

The following uses may be permitted, but are subject to the provisions and conditions outlined in

Chapter 1295 (Special Land Uses):

(I) Outdoor sales, storage and displays, when associated and operated by with the principal permitted use of the property on which it's located.

Administrator Walrack also presented the Discretionary (Special Land Use) Standards and Non-Discretionary (Site Review) Standards by which the board may take action on the request.

STAFF COMMENT – After review, staff notes the following:

There is an Outdoor Sales, Storage, and Display use to the north at Gander Outdoor and RV and to the south at Superior Auto used automobile dealership.

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

- 1) Sheds should be located outside of a 25 ft. sight triangle from adjacent ingress/egress points for the sake of protecting visibility.
- 2) All sheds be placed upon the paved surfaces of the property.
- 3) Permission is tied solely to the applicant continuing to operate a sales office from the site.
- 4) Signage on the sheds be regulated as façade signs to be limited to the northmost and southmost-facing units.

PUBLIC COMMENT – The city has received no public comments in opposition to or support of this petition. Notices were mailed to residents and owners of properties within three hundred feet and a public hearing notice was published in the Coldwater Daily Reporter on August 4, 2020 as required by law. At the time of this report, no public comments have been received. An emailed comment was received today (attached in Addendum A).

PLANNING COMMISSION ACTION – The Planning Commission will hold a public hearing on this request and deliberate on the approval, approval with conditions or denial at its Monday August 17, 2020 meeting. A majority vote of the members present is required for approval of this petition. As a special land use application, this petition does not require city council review or approval. A member of the Planning Commission may make a motion to approve the Special Land Use Permission request if it is found that the request meets the five discretionary standards for approval, the relevant non-discretionary standards for approval, and the conditions identified by City staff and the Planning Commission at the Public Hearing held on August 17, 2020.

*Mayor Kramer arrived at 5:40 p.m.

Commissioner Discussion:

- Considered requiring approval to be contingent upon parking lot repair; considered whether sheds to be located outside 25 ft. sight triangle or 25 ft. set back from right of way, from adjacent ingress/egress points.

Public Comment:

- Brian Goodman, representing Prairie Built Sheds was on hand to answer Commissioner Questions.

Chairman Miller closed the Public Hearing at 6:17 p.m.

Commission Action: Motion by Commissioner Beckwith, seconded by Commissioner Cole, to approve SUP20-02, along with the above noted four staff conditions, as presented.

Roll Call Vote:

Ayes: Commissioners: Mayor Kramer, Beckwith, Stevens, Cole, Garn and Chairman Miller.

Nays: Commissioners: Stempien and Budd.

Motion carried. SUP 20-02 approved.

3. **RZN20-01** A request by Abdulhameed Nasser to rezone the .25 acres property at 122 S. Jefferson St. from A-2 One & Two-Family Residential to C-1 Community Business District.

Chairman Miller opened the Public Hearing at 6:27 p.m.

Administrator Walrack presented RZN 20-01: A proposal to consider rezoning .25 acres of land currently zoned A-2 One and Two-Family Residential District and in Commercial Office use to C-1 Community Business District in accordance with Section 1260.02 of the City of Coldwater Zoning Ordinance. The land was purchased by the applicant in June of 2019, who is interested in establishing a Retail Store at the site. Currently the location is vacant after having previously operated as the Coldwater Bible Chapel religious assembly use. The C-1 Community Business District is intended to meet the day-to-day convenience shopping and service needs of persons residing in the nearby area. The applicant is intending to operate a convenience grocery and specialty goods store to serve the nearby neighborhood specifically, as well as the wider community. The site is bordered on all sides by a relatively dense residential neighborhood. There is a lone parcel zoned C-1 Community Business District one block south of this site and the City's southern commercial corridor two blocks west, as well as existing non-conforming stores half a block east at 123 Perkins St. and two blocks northeast at 226 E. Washington St.

INTENT – 1286.01 C-1 Community Business District: This Zone District is established to meet the day-to-day convenience shopping and service needs of persons residing in the nearby area.

ASSESSMENT – In accordance with Section 1260.02 of the Zoning Ordinance, the Planning Commission and City Council shall at minimum, consider the following before acting on any proposed zoning map amendment:

1) Is the proposed amendment consistent with the City's Master Plan?

The proposal is not necessarily at odds with the Community Goals of the master plan (pg. 55), though there is a consideration in the Future Land Use section which may

generally be associated with this request: *“The City should be judicious when considering demand for conversion of space to commercial/office uses in light of the need to maintain demand for downtown spaces.”* (pg. 68). This item refers specifically to the East and West Chicago Transitional Areas, but the intention is that while there are several vacancies in the downtown, in the large and small commercial strip malls, and older commercial districts, that the conversion of residential lands into commercial use may further sap the potential productivity of these existing commercial areas. In fact, the portion of the Future Land Use section recommending locations for Missing Middle Housing identifies *Redevelopment of Aging Shopping Centers and Plazas* (pg. 64) could be understood to indicate that commercial space within the city may be further opened to residential uses, rather than the opposite as this request proposes to do.

- 2) Will the proposed amendment be in accordance with the intent and purpose of the Zoning Ordinance?** The proposal is originating from the desire of the applicant to meet the day-to-day convenience shopping of persons residing in the nearby area, clearly in line with the intention of the proposed C-1 Community Business zoning district. The site itself, however, is unable to meet the Secondary Front Yard (Perkins St.) or Side/Rear Yard setback requirements of the C-1 zoning district, even if the current building were to be removed and a new structure built. The site also has extremely limited off-street parking, no on-street parking allowed on the east side of S. Jefferson St. Finally, this proposal is plainly a case of “spot zoning”.

Section 1260.01 Purpose of Zoning Code. *In their interpretation and application, the provisions of this Zoning Code shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals and general welfare. Among other purposes, such provisions are intended to provide for adequate light, air and convenience of access, to secure safety from fire and other dangers, and to avoid undue concentration of population by regulating and limiting the height and bulk of buildings wherever erected, limiting and determining the size of yards, courts and other open spaces, regulating the density of population, and regulating and restricting the location of uses, trades, industries and buildings in relation to traffic and parking needs.*

- 3) Have conditions changed since the Zoning Ordinance was adopted that justify the amendment?** The Arab-American community in Coldwater continues to grow. The residents of Arab decent, especially recent migrants, tend to be less reliant on automotive transportation affecting both the level of accessibility from residential neighborhoods to commercial districts, as well as the utilization of parking spaces. The commercial atmosphere within the city has also continued to change since the ordinance’s adoption in 2010. There are several vacancies in the downtown commercial district, significant vacancies within the commercial strip malls in the northern C-1 (Fairfield) and C-4 districts, and vacant individual buildings throughout the other commercial areas of the city. The character of the neighborhood in question has not changed in any essential way since the ordinance adoption. It tends to be a relatively dense residential area with older structures. This site was formerly a place of worship, but has been vacant for at least one year.

- 4) Will the amendment merely grant special privileges?**

Staff believes that the amendment will be a clear example of spot zoning and will present a special privilege to this property.

5) Will the amendment result in unlawful exclusionary zoning?

The amendment will not exclude a use from operation within the city which cannot be maintained elsewhere.

6) Will the amendment set an inappropriate precedent? Planning and zoning documents must be amendable by necessity. The planning commission has the authority to amend zoning definitions as the need arises. Staff does feel that the amendment, as stated elsewhere in this report, represents spot zoning, which should generally be avoided.

7) Is the proposed zoning consistent with the zoning classification of surrounding land?

The C-1 Community Business District zoning classification will not allow any uses which Staff identifies as being detrimental to neighboring A-2 One and Two-Family Residential properties.

8) Is the proposed zoning consistent with the future land use designation of the surrounding land in the City Master Plan?

The proposed zoning amendment is not consistent with the current and future land uses within this part of town, and is at odds with the sentiment identified in the future land use chapter of the 2017 Master Plan regarding the conversion of residential structures and lands into commercial uses.

9) Could all requirements in the proposed zoning classification be complied with on the subject parcel?

The size of the parcel makes the setback requirements of the C-1 Community Business District impossible to fulfill on-site, and would make any off-street parking and loading or stormwater management extremely difficult to achieve as well, in the case of a future reconstruction. The parcel will automatically be non-conforming upon.

10) Is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?

There has been little in the way of land development in the general vicinity, as this is an older neighborhood. The trends in this area have been demographic with recent immigrant populations increasing in concentration here. There are two other nonconforming neighborhood stores in the vicinity: one on Washington St. two blocks to the north and one on Perkins St. one block to the north which may be removed in conjunction with the proposed mosque redevelopment. There is another neighborhood store one block away at 93 E. Park Ave. which opened in 2018 which is now legally conforming due to a spot-rezoning at that time. There is an existing commercial district two blocks to the west of the site.

PUBLIC COMMENTS – A public hearing notice was published in the Coldwater Daily Reporter on August 4, 2020. In addition, owners and residents of properties located within 300 ft. of the subject property were mailed notices of the scheduled public hearing directly. As of the drafting of this report, City Staff has received one comment from members of the public. The applicant has provided a petition of nearby residents with 52 signatures. An emailed comment was received and read into the minutes (attached in Addendum B).

STAFF RECOMMENDATION – Upon review of the requested Rezoning, staff recommends denial of the petition to rezone 120 & 122 S. Jefferson St. from A-2 One and Two-Family Residential to C-1 Community Business District as it exemplifies Spot Zoning. Prior to the City adopting a zoning ordinance there were a number of small stores throughout residential neighborhoods, some of which are still operating as legally non-conforming uses. If the Planning Commission is sympathetic to the desire of entrepreneurs to operate small stores within neighborhoods and the desires of these neighborhoods for these walkable and convenient stores, a much more appropriate way of allowing these uses is to enable them within the language of a respective residential zoning districts. In the event that such a change to the ordinance is of interest to the Planning Commission, it can be done as either a permitted use, meaning that no additional permissions would need to be sought unless in the case of significant construction, or as a Special Use allowing the Planning Commission an opportunity to review each application on its merits on a case-by-case basis while also providing notice to the neighboring residents.

Commissioner Discussion:

- Considered adding such a use as a Special Use Permit within this zoning district, rather than spot rezoning a property in this district to allow such a use; more discussion of issue at a future meeting.

Public Comment:

- Abdulhameed Nasser and an associate were on hand to answer Commissioner questions.

Chairman Miller closed the Public Hearing at 6:39 p.m.

Commission Action: Motion by Commissioner Stevens, seconded by Commissioner Cole, to deny RZN20-01, as presented.

Roll Call Vote:

Ayes: Commissioners: Beckwith, Stevens, Stempien, Budd, Cole, Garn, Mayor Kramer and Chairman Miller.

Nays: Commissioners: None.

Motion carried. RZN20-01 denied.

OLD BUSINESS

None

NEW BUSINESS

4. **ClearZoning Demonstration** A demonstration of the new ClearZoning ordinance format by Jill Bahm.

Commission Action: None – Presentation only, with public hearing on same to be held at the September 8, 2020 Planning Commission Meeting.

*Mayor Kramer left the meeting at 7:15 p.m.

5. **Zoning Text Amendment** A proposal to change the buffers between Marihuana Establishments in the commercial zoning districts.

Commission Action: Motion by Commissioner Beckwith, seconded by Commissioner Cole, to recommend staff provide Zoning Text Amendment language to the Planning Commission for consideration regarding eliminating the separation distance for Retail and Microbusinesses in the C-2 and C-4 districts, as presented.

Roll Call Vote:

Ayes: Commissioners: Stevens, Cole, Beckwith and Chairman Miller.

Nays: Commissioners: Stempien, Budd and Garn.

Motion carried.

PUBLIC COMMENTS

- None.

ADJOURNMENT – Next Meeting Monday, September 8, 2020.

Noting no other business to come before this Commission, Chairman Miller adjourned the meeting at 7:49 p.m.



Susan E. Heath, CMC
City Clerk