

Regular Meeting  
5:30 P.M.

CITY OF COLDWATER PLANNING COMMISSION  
Monday March 6, 2023 Meeting

AGENDA

ROLL CALL

MINUTES

1. Planning Commission regular meeting of December 5, 2022

PUBLIC COMMENTS

PUBLIC HEARING

OLD BUSINESS

NEW BUSINESS

2. **Election of Officers**
3. **RES23-16** A resolution to establish the 2024 meeting dates for the Planning Commission
4. **2022 Annual Report** Presentation of the 2022 report of the Planning Department
5. **Discussion** Changes to the City's Adult Use Recreational Marihuana zoning ordinance

COMMUNICATIONS

ADMINISTRATOR'S REPORT

6. Planning & Zoning Administrator Report- March 2023

ADJOURNMENT

Next meeting – Monday April 3, 2023

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



December 5, 2022  
5:30 p.m.  
(517) 279-9501  
[www.coldwater.org](http://www.coldwater.org)

## PLANNING COMMISSION MINUTES REGULAR MEETING

### ROLL CALL

Chairman Garn called the meeting to order with the following Commissioners present: Dave Rumsey, Andrew Cameron, Patty DeGroot, Salwa Alsuraimi, Chris Stevens, Councilmember Michael Beckwith and Mayor Kramer.

**Members Absent:** Jessika Cole.

**Commission Action:** Motion by Commissioner DeGroot, seconded by Commissioner Alsuraimi, to excuse the absence of Commissioner Cole, as presented.

Ayes: 8

Nays: 0

Motion carried.

**Others present:** Dean Walrack, Shauna Chávez and Katie Higgs.

1. Minutes of the Regular Meeting of November 21, 2022.

**Commission Action:** Motion by Commissioner Rumsey, seconded Commissioner Cameron, to approve and place on file the minutes of the Regular Meeting of November 21, 2022, as presented.

Ayes: 8

Nays: 0

Motion carried.

**PUBLIC COMMENTS** (unrelated to items on the agenda)

- None.

**PUBLIC HEARING**

- None.

#### **OLD BUSINESS**

- None.

#### **NEW BUSINESS**

2. Site Plan Review SPR22-02 95 S. Fremont St. – Multi-Family (senior) Residential

**Commission Action:** Motion by Commissioner Rumsey, seconded Commissioner Stevens, to approve, SPR22-02, as presented.

Ayes: 8

Nays: 0

Motion carried.

3. Presentation Katie Higgs: Final Report CEDAM Fellowship

**Commission Action:** None, discussion only.

#### **COMMUNICATIONS**

4. Approval Letter Conditional Rezoning RZN22-03 839 W. Chicago St.
5. Approval Letter Special Land Use Permission SUP22-08 211 W. Garfield Ave.
6. Approval Letter Site Plan Review SPR22-05 211 W. Garfield Ave.

#### **ADMINISTRATOR'S REPORT**

5. Planning & Zoning Administrator Report - December, 2022.

**Commission Action:** None, informational only.

**ADJOURNMENT** – Next Meeting Tuesday January 3, 2023.

Noting no other business to come before this Commission, Chairman Garn, adjourned the meeting at 6:00 p.m.

*Shauna Chavez*

Shauna Chávez  
Deputy City Clerk

**CITY OF COLDWATER  
RESOLUTION NO. 23-16**

**A RESOLUTION REGARDING THE 2024 MEETINGS OF THE COLDWATER PLANNING COMMISSION:**

**WHEREAS**, pursuant to Section 5(2) of Act 267 of 1976, the Open Meetings Act, the Coldwater Planning Commission must establish and post notice of its regularly scheduled meetings; and

**WHEREAS**, regular Planning Commission meetings are held at 5:30 p.m. local time on the **first Monday** of each month in the Coldwater City Council Chamber located at One Grand Street, Coldwater, Michigan, unless otherwise stated; and

**WHEREAS**, a regular meeting may be rescheduled or canceled or a special meeting may be called upon eighteen (18) hours posted notice; and

**WHEREAS**, the City of Coldwater will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon one week's notice to the City Clerk's office by writing or calling the following: City Clerk, One Grand Street, Michigan 49036, (517) 279-9501; and

**WHEREAS**, questions regarding meetings should be directed to the Planning and Zoning Administrator at One Grand Street, Coldwater, Michigan, (517) 279-6926;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

That the **Coldwater Planning Commission Meetings for 2024** are scheduled for the following dates:

January 2  
February 5  
March 4  
April 1  
May 6  
June 3  
July 1  
August 5  
September 2  
October 7  
November 18 (election)  
December 2

AYES:

NAYS:

ABSENT:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Aaron Garn, Chairman

Dated: \_\_\_\_\_



**COLDWATER**

M I C H I G A N • 1 8 6 1

**2022 ANNUAL REPORT  
CITY OF COLDWATER  
PLANNING AND ZONING**

Dean Walrack, AICP, Planning and Zoning Administrator

**NEIGHBORHOOD SERVICES DEPARTMENT**

Debra Sikorski, Assessor/Neighborhood Services Director

Kenneth Fickle, Building Inspector & Stormwater Operators

Shauna Chavez, Deputy Clerk

Samantha Albright, MI Certified Assessor

SueAnn Aldinger, Administrative Assistant

Stacie Lozada, Administrative Assistant

Steve McManamey, Code Enforcement Officer

Jason Goss, Community Services Officer

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# ***Introduction***

The following is a report of 2022's activities of the City of Coldwater Planning Commission, Zoning Board of Appeals, and Downtown Historic District Commission as they relate to the city's planning efforts.

In 2022, the Neighborhood Services Department pursued 1,258 code enforcement issues including local ordinances, International Property Maintenance Code and Michigan Building Code, and Coldwater Zoning Ordinance.

These bodies will be briefly identified with their purpose, membership, a summary of how this membership is appointed, and a brief overview of each's actions throughout 2022. This report will be closed with a listing of the goals and vision from the City's 2017 master plan, the goals and objectives of the City's 2019 recreation plan, and the goals and objectives of the City's downtown development authority plan and along with zoning maps identifying the applications to each body.

It is also essential that I recognize the tremendous staff which makes up the Neighborhood Services Department, who provide support to me and to each of the aforementioned public bodies. The Neighborhood Services Department is directed by City Assessor Debra Sikorski. Our dedicated administrative staff includes SueAnn Aldinger, the newly-hired Stacie Lozoda, Shauna Chavez has recently been fully confirmed as City Clerk, and Samantha Albright who is also the Deputy Assessor. Shauna is a fluent Spanish speaker, as well which has been of great benefit to our office, CBPU staff, and to our community. Steve McManamey has been recently hired as our Code Enforcement Officer handling zoning code infractions, rental inspections, and to perform a range of permit inspections. Jason Goss is our Community Services Officer providing additional code enforcement support. Building, Electrical, Mechanical, Plumbing, and Stormwater reviews, inspections, and enforcements are all performed through third-party consultants.

Finally, I must acknowledge each of our board, commission, and council members for their commitment and willingness to devote nights and weekends to reading bureaucratic reports, attend evening meetings, familiarizing themselves with municipal ordinances, and making difficult decisions.

My sincere thanks to you for your service to our community,



Dean Walrack, AICP  
Planning & Zoning Administrator



# Planning Commission

## ***Purpose***

The Planning Commission functions as an advisory body to the City Council. The members are tasked with crafting recommendations on land use policy and to administer compliance with City standards through reviewing Site Plans and applications for Special Use Permits.

## **Commission Members:**

Aaron Garn (Chair) 5/2011-5/2024

Michael Beckwith (council)	11/2018 – 4/2023	Mayor Thomas Kramer	11/2011 – 11/2023
Andrew Cameron (staff)	11/2021 – 5/2024	Jessika Cole (township)	12/2020 – 5/2023
Salwa Alsuraimi	10/2020 – 5/2025	Patty Degroot	11/2021 – 5/2024
Christopher Stevens	4/2009 – 5/2025	R. David Rumsey	12/2011 – 5/2023

## ***Summary***

The Planning Commission is made up of nine members who are appointed by the City Council. At least one Commissioner is to be a member of the City Council and another may be a non-resident member. All meetings of the Planning Commission take place in the Council Chambers at 5:30 P.M. on the first Monday of the month and are open to the public. All agendas are posted to the City's bulletin board and are posted to the City's website the Friday before each meeting.

## ***2022 Planning Commission Meetings***

During 2022, the Planning Commission conducted 10 regular meetings. Following is a summary of Planning Commission Action from the past year:

### DATE

### ACTION

1-3-22

**Old Business – Landscaping Plan Review - Petition SUP21-17** – A final review of a site plan by Exclusive Brands to renovate the property located at 599 E. Chicago St. for use as a Marihuana Retail Establishment.  
**Approved 7-0**

2-7-22

**Public Hearing - Special Use Permit - Petition SUP22-01** – A request by Mian Anwar to operate a Marihuana Grow Class C Establishment at 430 Race St.  
**Approved 7-0**

**New Business - Discussion** – A presentation by Economic Development Fellow Katie Higgs on the City's progress in the Redevelopment Ready Communities program.

**New Business - Discussion** – A presentation by Economic Development Fellow Katie Higgs on Planning Commission member recommended/desired skill sets.

**New Business - Discussion** – A presentation by Planning & Zoning

Administrator Dean Walrack on Planning Commission by-laws and rules of procedure.

3-7-22

**Public Hearing - Special Use Permit - Petition SUP22-02** – A request by Donner Properties, LLC to operate a Multi-Family Residential Dwelling as a Primary Use in the C-2 Central Business District at 44 N. Hanchett St.

**Approved 6-0**

**Public Hearing - Special Use Permit - Petition SUP22-03** – A request by Donner Properties, LLC to operate a Multi-Family Residential Dwelling as a Primary Use in the C-2 Central Business District at 53 E. Chicago St.

**Approved 6-0**

**Old Business - Adoption** – A presentation by Economic Development Fellow Katie Higgs on Planning Commission member recommended/desired skill sets.

**Approved 6-0**

**New Business – Site Plan Review - Petition SPR22-01** – A final review of a site plan by Core Investment Group to construct a new commercial building at the property located at 55 S. Michigan Ave. for use as a Marihuana Retail Establishment.

**Approved 5-0**

4-18-22

**Public Hearing - Rezoning - Petition RZN22-01** – A request by CWBC Properties, LLC to rezone two acres of land located at 421 N. Willowbrook Rd. from Coldwater Township GB General Business District to City of Coldwater C-4 General Business District.

**Approved 9-0**

**Public Hearing - Special Use Permit - Petition SUP22-04** – A request by CWBC Properties, LLC to operate a Multi-Family Residential Dwelling as a Primary Use in the C-4 General Business District at 421 N. Willowbrook Rd.

**Approved 9-0**

**New Business - Resolution 22-35** - A resolution establishing the 2023 Planning Commission meeting dates.

**Approved 9-0**

**New Business - Discussion** – Planning Commission by-laws and rules of procedure.

**New Business – Staff Information** – 2021 Annual Staff Report.

6-6-22

**Old Business - Adoption** – Planning Commission by-laws and rules of procedure.

**Approved 5-1**

**New Business - Staff Information** – Public meeting, streaming, recording, & retention standard operating procedure.

- 8-15-22      **Public Hearing - Special Use Permit - Petition SUP22-05** – A request by Craft Leaf, LLC to operate a Marihuana Processor Establishment at 211 W. Garfield Rd.  
**Approved 8-0**
- Public Hearing - Special Use Permit - Petition SUP22-06** – A request by Craft Leaf, LLC to operate a Marihuana Retail Establishment at 211 W. Garfield Rd.  
**Tabled 8-0**
- Old Business - Staff Information** – Updates on animal odor nuisances.
- New Business - Discussion** – Master Plan Review proposal.
- 9-6-22      **Old Business - Special Use Permit - Petition SUP22-06** – A request by Craft Leaf, LLC to operate a Marihuana Retail Establishment at 211 W. Garfield Rd.  
**Approved 8-1**
- New Business - Staff Information** – 2022 Planning Conference announced
- 10-3-22     **Public Hearing - Special Use Permit - Petition SUP22-07** – A request by DWV Properties, LLC to operate a Multi-Family Residential Dwelling as a Primary Use in the C-2 Central Business District at 55 N. Hanchett St.  
**Approved 5-0**
- Public Hearing - Rezoning - Petition RZN22-02** – A request by MVAH Partners, LLC to conditionally rezone 9.25 acres of land located at 95 S. Fremont St. from A-1 One-Family Residential District to A-3 Multi-Family Residential District.  
**Approved 6-0**
- New Business - Discussion** – Master Plan Review proposal.
- New Business - Recommendation** – Recommendation to City Council to remove allowance for future Marihuana Grow and Retail Establishments to locate in D-2 Heavy Industrial District.  
**Approved 5-0**
- 11-21-22    **Public Hearing - Rezoning - Petition RZN22-03** – A request by Michael Sussex to rezone 3.6 acres of land located at 839 E. Chicago St. from A-1 One-Family Residential District to C-4 General Business District.  
**Approved 7-0**
- Public Hearing - Special Use Permit - Petition SUP22-08** – A request by Craft Leaf, LLC to operate a Marihuana Grow Class C Establishment at 211 W. Garfield Rd.  
**Tabled 7-0**

12-5-22

**New Business – Site Plan Review - Petition SPR22-02** – A review of a site plan by MVAH Partners, LLC to construct a new multi-family residential development at the property located at 95 S. Fremont St.  
**Approved 8-0**

**New Business - Presentation** – A presentation of the CEDAM fellowship final report by Economic Development Fellow Katie Higgs.

# Zoning Board of Appeals

## **Purpose**

The Zoning Board of Appeals (ZBA) is the only board authorized to interpret, waive and modify requirements of the City of Coldwater Zoning Ordinance. The ZBA is an appellate body which hears individual situations where an owner feels that the zoning ordinance creates a hardship particular to their property. Decisions made by the Zoning Board of Appeals are final, with appeal granted only by the 15<sup>th</sup> Judicial Circuit Court.

Each application is judged against the following five criteria:

- A. *That special conditions and circumstances exist which are peculiar to the land, land use, structure or building in the same zoning district so as to present such a unique situation that a precedent will not be established for other properties in the district to also ask the same or similar change through the zoning appeal procedure.*
- B. *Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.*
- C. *The authorization of such variance will not be of substantial detriment to adjacent property and will not naturally impair the intent and purpose of this Zoning Code or the public interest.*
- D. *That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Zoning Code to other lands, structures or buildings in the same zoning district.*
- E. *That the reasons set forth in the application for the variance justify the granting of the variance and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure in the zoning district in which it is located.*

## **Board Members:**

	Gordon Swan (Chair) 2/2004 – 5/2023		
David Cole	10/2020 – 5/2024	Joseph Hayes	5/2016 – 5/2025
Michael Eddy	6/2004 – 5/2025	Dave Sattler	11/2021 – 5/2023
Alternate Members			
James Bilborrow	12/2006 – 5/2023	Jeffrey Holbrook	8/2016 – 5/2024

## **Summary**

The Zoning Board of Appeals consists of five members who are appointed by the City Council. The City Council may also appoint not more than two alternate members to act in accordance with procedures specified in the City of Coldwater Zoning Ordinance. The Zoning Board of Appeals conducts regular, public meetings in City Council Chambers on the main floor of City Hall on the third Wednesday of each month at 4:30 p.m. Special meetings are also conducted as needed. Meeting agendas are posted on the City Hall bulletin board on the Friday preceding the meeting, as well as on the City of Coldwater's web site.

**2022 Zoning Board of Appeals Meetings**

During 2022, the Zoning Board of Appeals conducted five regularly scheduled meetings. Following is a summary of Zoning Board of Appeals Action from the past year:

- 3-16-22        **New Business - Discussion** – A presentation by Economic Development Fellow Katie Higgs on Zoning Board of Appeals member recommended/desired skill sets.
  
- 4-20-22        **Public Hearing – Petition ZBA22-02** – A request by Patrick and Tracy Kelley, located at 37 N. Monroe St. for a 2 ft. dimensional fence height variance to install a privacy fence at 8 ft. in height in a residential side yard.  
**Approved 4-0**  
  
**Old Business - Discussion** – A presentation by Economic Development Fellow Katie Higgs on Zoning Board of Appeals member recommended/desired skill sets.  
**Approved 4-0**  
  
**New Business – Staff Information** – 2021 Annual Staff Report.  
  
**New Business - Resolution 22-35** - A resolution establishing the 2023 Planning Commission meeting dates.  
**Approved 9-0**
  
- 8-17-22        **Public Hearing – Petition ZBA22-03** – A request by Paul and Kerri Jakubczak, located at 17 Thompson Blvd. for a 2 ft. dimensional fence height variance and a fence characteristic variance to install a privacy fence at 6 ft. in height in a residential front yard.  
**Approved 5-0**  
  
**New Business - Discussion** – Zoning Board of Appeals by-laws and rules of procedure.
  
- 9-21-22        **Old Business - Discussion** – Zoning Board of Appeals by-laws and rules of procedure.  
**No Quorum Present**
  
- 10-19-22       **Old Business - Discussion** – Zoning Board of Appeals by-laws and rules of procedure.  
**Approved 3-0**

# Downtown Coldwater Historic District Commission

## **Purpose**

Organized in 2010, the Historic District Commission is responsible for reviewing work within the Downtown Historic District to ensure that all alterations, demolitions, and additions to the city's core not only preserve, but strengthen the uniquely Coldwater character of the City.

## **Commission Members:**

Councilor Randall Hazelbaker (Chair) 11/2010 – 11/2022

Tamara Barnes	10/2019 – 11/2023	Michael Caywood	10/2022 – 11/2025
Flip Johnson	11/2018 – 11/2024	Tracy Kelley	11/2018 – 11/2022
Jeanette Rakocy	10/2017 – 11/2024	Sarah Zimmer	9/2015 – 11/2023

## **Summary**

The Downtown Coldwater Historic District Commission consists of seven members, all residents of the city and appointed by the City Council. The majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. At all times, one member serving shall be appointed from a list submitted by duly organized local historic preservation organization. If such a person is available for appointment, one member shall be an architect who has two years of architectural experience or who is duly registered as an architect in the State of Michigan. The Commission conducts regular meetings on the second Wednesday of each month and special meetings are conducted as needed. Meeting agendas are posted on the City Hall bulletin board by 5:00 on the Friday preceding the meeting with the agendas and minutes posted on the City of Coldwater web site.

## **2022 Downtown Coldwater Historic District Commission Meetings**

During 2022, the Downtown Historic District Commission conducted four regular meetings. Following is a summary of Zoning Board of Appeals Action from the past year:

- 1-12-22      **New Business - Project Review - Petition HDC22-01** – A request by Scott Ladd to restore the 1<sup>st</sup> floor front commercial façade, replace 2<sup>nd</sup> floor windows, and repaint the façade on the contributing structure at 10 S. Monroe St.  
**Approved 4-0**
- New Business - Discussion** – A presentation by Economic Development Fellow Katie Higgs on Historic District Commission member recommended/desired skill sets.  
**Approved 4-0**
- New Business – Staff Information** – MI Heritage Home Program.
- 4-13-22      **New Business – Staff Information** – 2021 Annual Staff Report.

**New Business - Resolution 22-33** - A resolution establishing the 2023 Planning Commission meeting dates.

**Approved 4-0**

**New Business - Discussion** – Historic District Commission volunteer for Main Street workshop: Sarah Zimmer.

11-16-22 **New Business - Presentation** – A joint meeting with the Downtown Development Authority to receive a presentation of the MI State Historic Preservation Office’s Certified Local Government Program.

12-14-22 **New Business - Presentation** – A presentation of the CEDAM fellowship final report by Economic Development Fellow Katie Higgs.



## Training

Several training opportunities are offered to City of Coldwater staff members and public officials. City planning staff attended the following in 2022.

**MI Association of Planning- Transportation Bonanza - February 16** – A virtual conference focused on active transportation and Safe Routes to School. This event was attended by Planning & Zoning Administrator Dean Walrack.

**MI Historic Preservation Network- Annual Conference – May 11-14** – A conference for historic preservation professionals, public employees and officials, and developers to share news and information, building/restoration techniques, and commissioner training. This event was attended by Historic District Commission chairman Randall Hazelbaker.

**MI Association of Planning- Spring Institute - May 20** – A day-long seminar which focused on state and national housing issues. This event was attended by Planning & Zoning Administrator Dean Walrack.

**MI Downtown Association – Summer Workshop - June 6** – A day-long web-stream of sessions covering topics related to issues within Michigan downtown development districts. This event was attended by Planning & Zoning Administrator Dean Walrack, Main Street Director Audrey Tappenden, Historic District Commission chairman Randall Hazelbaker, and Planning Commission chairman Aaron Garn.

**MI Association of Planning –Annual Conference – October 12-14** – A conference for community planning and development professionals, public employees, and officials, to share news, information, and commissioner training. This event was attended by Planning & Zoning Administrator Dean Walrack, Planning Commissioner Salwa Alsuraimi, Neighborhood Services Director Debra Sikorski-Bernath, City Manager Keith Baker, and Community Development Fellow Katherine Higgs.

# Goals & Visions of the 2017 Master Plan

## Residential Areas

- To emphasize and strengthen the single-family home character and neighborhood atmosphere of the City, while providing for a variety of new, high-quality housing types and protecting natural features of the city.
- To offer a significant level of local housing choice for young singles, empty nesters, retired baby boomers, childless couples, and others who desire housing options other than detached single-family housing units.
- Encourage infill.

## Office Areas

- To provide for exclusive areas for office uses that will have limited impact beyond the site and which are intended to serve nearby residences or business.
- To provide for Research and Development uses that are characterized by buildings in which people are employed in activities that are of a technical research nature, or are professional activities including technical training and education.
- Encourage infill.

## Commercial Areas

- To provide for a proper land use distribution of commercial uses.
- To provide mechanisms for traffic management in commercial areas that will make such areas easily accessible, while limiting the impact on adjacent thoroughfares.
- To improve the appearance of existing and future commercial areas – especially entry corridors.
- Encourage infill.

## Industrial Areas

- To provide for industrial development in a manner that increases the community's tax base, results in proper land use relationships, and does not negatively impact the environment.

## Central Business District

- Maintain and encourage a thriving Central Business District (CBD).

## Community Facilities

- To provide quality public services and community facilities which promote the public health, safety, and welfare, and to contribute to the quality of life for community members.
- To cooperatively plan and locate school facilities and services within the Coldwater Public School System.
- To provide adequate police and fire protection for City Residents and property owners.

### Recreation Facilities

- To continue to serve residents with community parks which provide a wide range of facilities, including active and passive recreation, competitive sports, facilities for children and adolescents, and picnic and nature study areas.
- To provide recreation programs and facilities to meet the present and future needs of all City Residents.

### Environmental Resources

- To continue to protect natural features including lakes, a river, wetlands, woodlands, rolling topography, and open spaces. These features are significant not only because of their strong appeal to residents, but also because they constitute a functioning ecosystem largely unspoiled by human activity. Preservation of these natural features should be a prevailing objective in all future development.

### Historic Preservation

- To encourage the preservation of the City's historic character in preserving or restoring historically significant properties, as well as promoting new development compatible with existing character.

### Transportation and Traffic

- To provide a transportation system that facilitates the smooth, safe, and efficient flow of automobiles, trucks, buses, emergency vehicles, bicycles, and pedestrians.
- To develop a system of pedestrian and bicycle sidewalks and pathways that link residential areas with schools, recreation areas, commercial districts, and other destinations.

## Goals & Objectives of the 2019 Recreation Plan

Goal A— Provide quality leisure time activities with special consideration given to activities improving health and fitness.

*Objectives:*

- Provide both passive and active programming for a variety of ages and abilities of the population.
- Continue to work with existing recreation partners in the community to provide programs, leagues, and special events. Explore options for new and expanded partnerships to provide additional recreational opportunities.
- Assess, maintain, and improve the amenities throughout all of the City's large and small parks.

Goal B— Provide safe broad community-based recreation opportunities that improve overall quality-of-life for all Coldwater residents.

*Objectives:*

- Provide a broad range of recreational opportunities to Coldwater's citizens that can be enjoyed by all, irrespective of age, ability, and income.
- Ensure that amenities are provided in community, neighborhood, and mini-parks throughout the City.
- Explore options for development of additional indoor facilities at the Dr. Robert W. Browne Recreation Center that can be economically successful and equitably financed.
- Continue to add/upgrade amenities to Coldwater park facilities based upon community input and need.
- Provide recreational opportunities for people with disabilities.
- Ensure that improvements and upgrades to park facilities are handicapped-accessible.
- Continue program development for special needs populations, partnering with local and regional recreation providers, where feasible.

Goal C— Provide non-motorized facilities for recreational and transportation use.

*Objectives:*

- Continue implementation of the Linear Park.
- Where possible, connect pathways and sidewalks to Coldwater destination points.
- Develop a trail along the Sauk River.
- Install bike racks at destinations.

Goal D— Develop recreation opportunities that focus upon and take advantage of Coldwater's water resources.

*Objectives:*

- Enhance existing and develop new public observation, fishing, and lake access opportunities in the City of Coldwater.
- Provide infrastructure for kayak and canoe usage within the City's waterways including access points and storage facilities, as well as regular removal of debris.
- Develop opportunities, alone or in partnership with other agencies, to educate citizens about the area's natural resources.

Goal E— Retain public land for future generations.

*Objectives:*

- Retain existing parkland and acquire new public lands to meet the recreational needs of the community as opportunities arise.
- Preserve and protect open space and other important natural features in Coldwater.

Goal B— Create community awareness of Coldwater’s recreational opportunities and promote them to citizens and visitors.

*Objectives:*

- Actively market the City’s parks program and amenities.
- Partner with other local units of government and other recreation providers in Branch County to further promote Coldwater’s recreational opportunities and activities.
- Work with local arts and culture organizations to provide unique programming opportunities at the City’s recreational sites and other venues.
- Continue to seek input from residents as to the effectiveness of facility development and programming.

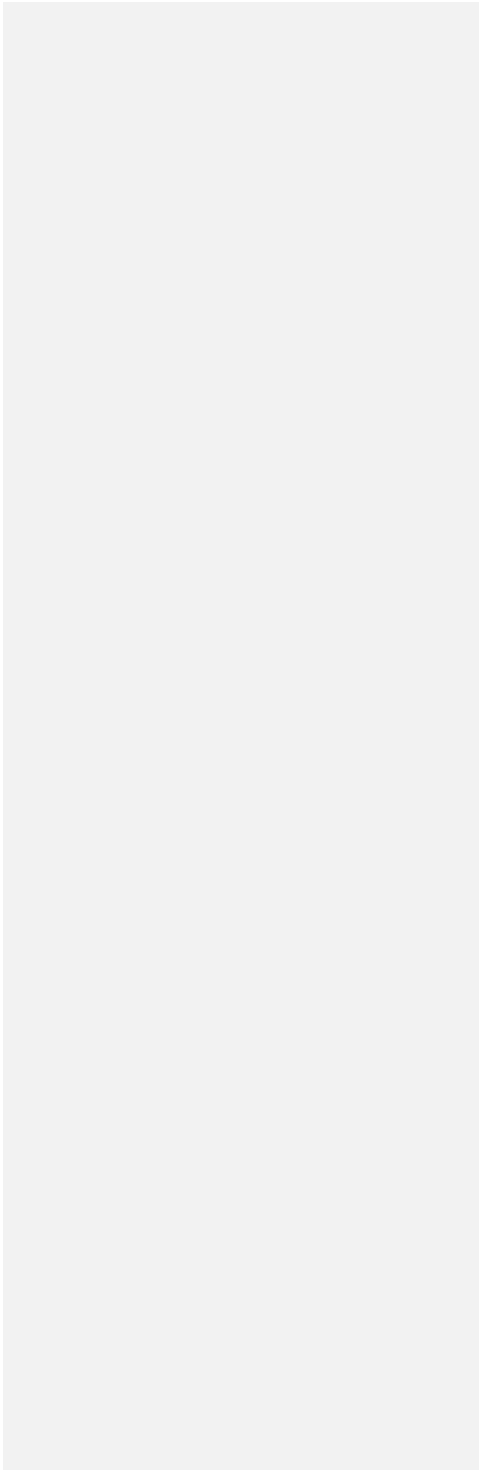
## Goals & Objectives of the 2002 Downtown Development Authority Plan

1. To retain the historic character of downtown Coldwater.
  - Institute historic district to provide guidance in design issues.
  - Develop ordinances to maintain and strengthen existing building patterns.
  - Retain façade improvement program.
2. To increase, wherever possible, the density of downtown Coldwater.
  - Seek in-fill development along side streets.
  - Encourage buildings taller than one story.
  - Focus on adaptive re-use of existing upper stories for residential.
3. To enhance the pedestrian experience throughout downtown.
  - Install streetscapes improvements throughout all of the district.
  - Minimalize the impact of the state highways downtown through control measures.
  - Internalize parking by block in such a way to minimize the negative impact on the pedestrian experience on side streets.
  - Adjust ordinances to provide for shared parking incentives.
  - Install a fully integrated way-finding program.
  - Develop downtown reference points at pivotal entrances.
4. To strengthen the civic nature of downtown by providing support for new and enhanced civic, recreational, cultural spaces downtown, whether private, public, or non-profit.
  - Provide needed infrastructure for the Tibbits Opera House.
  - Support efforts to build a Children's Museum and/or Art Center downtown.
  - Encourage the development of a community recreation center and/or historical museum.
5. To extend the duration of the Tax Increment Financing Plan in order to implement these and other additions.
  - Thirty years to 2032.

DEFINITIONS

MARIHUANA ADULT USE ESTABLISHMENT or ADULT USE MARIHUANA ESTABLISHMENT means a marihuana grower, marihuana safety compliance establishment, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed to operate by the Marihuana Regulatory Agency as authorized by the MRTMA. As used in this ordinance the following terms are defined:

- ~~A. —EXCESS MARIHUANA GROWER means a special license issued under the Rules promulgated by the Marijuana Regulatory Agency that authorizes the holder of five (5) stacked class C marihuana grower licenses issued by the Agency under the MRTMA and at least two (2) grower class C licenses issued by the Agency under the MMFLA.~~
- ~~B. —MARIHUANA GROWER means a person fully licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.~~
- ~~C. —MARIHUANA MICROBUSINESS means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are twenty-one (21) years of age or older or to a marihuana safety compliance establishment, but not to other marihuana establishments.~~



## Section 2.2 Definitions

D.A. MARIHUANA PROCESSOR means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

E.B. MARIHUANA RETAILER means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are twenty-one (21) years of age or older.

F.C. MARIHUANA SECURE TRANSPORTER means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

G.D. MARIHUANA SAFETY COMPLIANCE ESTABLISHMENT means a person licensed to test marihuana, including certification for potency and the presence of contaminants. All marihuana related terms utilized in these zoning ordinances shall have the same meaning as provided in the MRTMA unless the term is otherwise defined in this Chapter or the context requires a different meaning.

MARIHUANA ESTABLISHMENT SPECIAL LAND USE APPROVAL or APPROVAL, unless the context requires a different meaning, means special land use approval that is issued pursuant to this Chapter that allows the licensee to operate a Marihuana Establishment as specified in the Marihuana Establishment Special Land Use Approval which may only include the following as specifically allowed in specified zoning districts:

~~A. —Marihuana Grower.~~

B.A. Marihuana Processor.

C.B. Marihuana Secure Transporter.

D.C. Marihuana Retailer.

~~E. —Marihuana Microbusiness.~~

F.D. Marihuana Safety Compliance Establishment.

~~G. Excess Marihuana Grower.~~

MARIJUANA REGULATORY AGENCY OR "AGENCY" OR "MRA", means a Type I agency within the Department of Licensing and Regulatory Affairs (the "Department") with the powers as set out in MCL 333.27001, including but not limited to, all of the authorities, powers, duties, functions, and responsibilities of the Department, including its Bureau of Marihuana Regulation, under the MRTMA, 2018 IL 1, MCL 333.27951 to 333.27967. "Marihuana Regulatory Agency" and "Agency" and "MRA shall also be used to refer to the Cannabis Regulatory Agency or the "CRA."

1. Purpose & Intent

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

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Special Use Provisions Relating to Marihuana Establishments:

SU in C-4 (General Business District) at p 3-22

~~4. Marihuana Retailer<sup>W</sup> or Marihuana Microbusiness<sup>W</sup>~~ subject to all separations and conditions specified in Section 4.21 of these Ordinances. ~~§4.21~~

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SU in D-2 (Heavy Industrial District) in p 3-26

~~Marihuana grower, grower-grower<sup>&</sup>, processor<sup>&</sup>, secure transporter<sup>&</sup>, and safety compliance establishment<sup>&</sup> and excess marihuana grower<sup>&</sup>~~ §4.21

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#### 4.1 Adult Use Marihuana Establishments

- A. Purpose and Intent. The purpose of this section is to protect the public health, safety, and welfare, and neighborhood character, minimize negative community impacts, and enact effective regulatory and enforcement controls through minimum land use requirements for City permitted Marihuana Establishments in the City of Coldwater. Marihuana Establishments permitted as a Special Land Use under this section shall be only those whose applicants have previously obtained a Municipal Marihuana License as authorized in Chapter 880, Marihuana Establishments, Part Eight: Business Regulation and Taxation Code of the Code of Ordinances of the City of Coldwater. ~~The purpose for allowing Marihuana Retailer only as an accessory use to a Marihuana Processor or Marihuana Grower in the D-2 Heavy Industrial District is to preserve the industrial and agricultural character of the D-2 Heavy Industrial District.~~ This section is to be construed to protect the public over Marihuana Establishments and licensee interests. Operation of a Marihuana Establishment is a revocable privilege and not a right in the City. There is no property right for a person or entity to engage in or obtain a license to engage in any marihuana commercial enterprise within the boundaries and jurisdiction of the City.
- B. Marihuana Special Land Use Approval Required.
1. It shall be unlawful for any person to operate an Adult Use Marihuana Establishment in the City without obtaining Marihuana Establishment Special Land Use Approval pursuant to the requirements of this section, together with a Municipal Marihuana License as required in Chapter 880, Marihuana Establishments, of the City of Coldwater Code of Ordinances, and any other licenses or permits required by any other federal, state, or local agency having jurisdiction.
  2. The issuance of Marihuana Establishment Special Land Use Approval pursuant to this section does not create an exception, defense, or immunity to any person in regard to any potential civil or criminal liability.
  3. Marihuana Establishment Special Land Use Approval shall be required for each separate Marihuana Establishment licensed or to be licensed to operate by the MRA pursuant to the MRTMA and for each location of any permitted Marihuana Establishment.
- C. Application Requirements. An application for Marihuana Establishment Special Land Use Approval shall be accompanied by a site plan if required pursuant to Section 6.1, Site Plan Review, together with any additional information necessary to describe the proposed establishment. At the time of submitting the application for Marihuana Establishment Special Land Use Approval, the applicant must have submitted a completed application for a Municipal Marihuana License as set forth in Chapter 880 and received a Municipal Marihuana License issued provisionally under that Chapter. At a minimum, the following materials shall be submitted as part of a Marihuana Establishment Special Land Use Approval application, in addition to the site plan review application requirements of Section 6.1.

Section 4.21.C.1 - 4.21.D.1

1. Verification. A signed statement by the applicant indicating the proposed Marihuana Establishment type or types.
2. Consent. A notarized statement by the property owner that acknowledges use of the property for the specified Marihuana Establishment and an agreement to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising out of, or in connection to, the operation of a Marihuana Establishment. Written consent shall also include approval by the owner and the operator of the Marihuana Establishment for the City to inspect the establishment at any time during normal business hours to ensure compliance with applicable laws and regulations.
3. State License Documents. A copy of official paperwork issued by MRA as follows:
  - a. For Marihuana ~~Grower~~, Processor, and Retailer, ~~and Microbusiness~~ special land use applications, all paperwork indicating that the applicant has successfully completed the prequalification step of the application for the state operating license associated with the proposed land use.
  - b. For Marihuana Secure Transporter and Safety Compliance Establishment applications, all paperwork indicating that the applicant has successfully completed the prequalification step of the application for the state operating license associated with the proposed land use, or proof that the applicant has filed such application for the prequalification step with MRA, including all necessary application fees.
  - c. For all Marihuana Establishment applications, MRA required marihuana facility plans and security plans shall be submitted. Copies of all documents submitted to MRA in connection with the initial license application, subsequent renewal applications, or investigations conducted by MRA shall be made available upon request when such information is necessary and reasonably related to the application review.
4. Proof of Insurance. Evidence of a valid and effective policy for general liability insurance within minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit issued from a company licensed to do business in Michigan having an AM Best rating of at least B++ shall be produced that includes the name/s of the insured, effective and expiration dates, and policy number. The City of Coldwater and its officials and employees shall be named as additional insureds. The City shall be notified of any cancellation, expiration, reduction in coverage, or other policy changes within five (5) business days of the event.
- D. Additional Requirements. In addition to the site plan requirements as set forth in Chapter 6.1 of these Ordinances and as otherwise specified in this section, the following information shall also be submitted as part of the application for Marihuana Establishment Special Land Use Approval:
  1. A map, drawn to scale, showing all then existing K-12 public or private schools near the proposed Marihuana Establishment location and a 500-foot isolation radius drawn around the proposed location to show the required separation distance.

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Section 4.21.D.2 - 4.21.E.2.a

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- 2. For a Marihuana Retailer ~~or Marihuana Microbusiness~~ seeking Marihuana Establishment Special Land Use Approval in the C-4 General Business District, the map shall show all City approved special land use Marihuana Retailers ~~and Marihuana Microbusinesses~~ in the district.;
- 3. A narrative describing how the enclosed areas with marihuana have been secured and how approved individuals will be given access.
- 4. A detailed security plan that addresses security measures at the marihuana establishment, such as surveillance methods, access control strategies, maintenance, the applicant's closing procedures after the cessation of business each day, and safety for customers, employees, and neighbors.
- 5. A lighting plan showing the lighting outside of the marihuana establishment for security purposes and compliance with Section 5.2.S and any and all other applicable City requirements.
- 6. A floor plan of the Marihuana Establishment detailing the locations of the following:
  - a. All entrances and exits to the establishment;
  - b. The location of any windows, skylights, and roof hatches;
  - c. The location of all cameras, and their field of view;
  - d. The location of all alarm inputs (door contacts, motion detectors, duress/hold up devices) and alarm sirens;
  - e. The location of the digital video recorder and alarm control panel, including the location of the off-site storage or network service provider for storage of the required copies of surveillance recordings; and
  - f. Restricted and public areas.
- 7. The applicant's procedures for accepting delivery of marihuana at the establishment, including procedures for how and where it is received, where it is stored, and how the transaction is recorded.
- 8. A plan for facility inspection by the City, which shall include no less than an annual comprehensive fire and security inspection.

E. General Provisions. Marihuana Establishments shall be subject to the following requirements:

- 1. Building Required. Marihuana Establishments must be within an enclosed, secured building.
- 2. Separation distances.
  - a. The distances described in this subsection shall be computed by measuring a straight line from the closest point on the closest property line of the land proposed to be used as a Marihuana Establishment to the closest point on the closest property line of the parcel of an existing public or private K-12 School, and property within the AA, A-1, A-2, A-3, or R-3 District.
  - b. The following minimum-distancing regulations shall apply to all Marihuana Establishments.
    - A  
Marihuana Establishment shall not be located within:
      - I. 1,000 feet of an existing public or private K-12 School; and
      - II. 500 feet of any property within the AA, A-1, A-2, A-3 or R-3 Districts.

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- 3. Restriction on Marihuana Retailers in the D-2 Heavy Industrial District. No Marihuana Retailer shall be allowed in the D-2 Heavy Industrial District, ~~except as an accessory use to a Marihuana Grower or a Marihuana Processor at the same location by special land use approval. No marihuana microbusiness shall be permitted in the D-2 district.~~
- 4. Odors. A Marihuana Establishment shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the establishment or on the premises is not detected by a person with a normal sense of smell outside the building in which it operates, at the exterior of the Marihuana Establishment property line, at any adjoining use or property, on adjacent public rights-of-way, private road easements, or within other unit located within the same building as the Marihuana Establishment if it occupies only a portion of the building. Odors must be controlled and eliminated by the following methods:
  - a. The building must be equipped with an activated air scrubbing and carbon filtration system that eliminates all odors prior to leaving the building. Fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
  - b. Air scrubbing and filtration systems must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.
  - c. Negative air pressure must be maintained inside the building.
    - I. At a ratio of 1:4 between the air intake (CFM) and exhaust fan (CFM), or a similar ratio as approved by the Planning Commission.
    - II. A minimum negative pressure of 0.01" water column relative to the building exterior and to adjacent spaces without product.
    - III. A minimum exhaust rate of 0.2 CFM per square foot of floor area or greater.
  - d. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
  - e. The Planning Commission may grant an alternative odor control system if a mechanical engineer licensed in the State of Michigan submits a report that sufficiently demonstrates the alternative system will be equal or superior to the air scrubbing and carbon filtration system otherwise required.
- 5. Hours of Operation. Hours of operation for a Marihuana Retailer and Marihuana Microbusiness shall be limited to no earlier than 9:00 a.m. and no later than 9:00 p.m., Monday through Sunday.
- 6. Waste. A Marihuana Establishment shall be operated and maintained at all times so that any by- products or waste of any kind shall be properly and lawfully kept and disposed of so as to preclude any risk of harm to the public health, safety, or welfare.
- 7. A Marihuana Establishment shall not be operated out of a residence or any building used wholly or partially for residential purposes.

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- 8. Any portion of the Marihuana Establishment structure where energy usage and heat exceed typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Fire Department to ensure compliance with applicable fire codes. Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide, or other substance toxic to wildlife, children, or pets shall be stored in a secured and locked area and be in compliance with State pesticide laws and regulations.
  - 9. A Marihuana Establishment shall not be operated from a business which also sells alcoholic beverages or tobacco products.
  - 10. No drive-through facilities shall be approved.
  - 11. A Marihuana Establishment shall comply at all times and in all circumstances with the MRTMA and the Administrative Rules promulgated by the MRA and Michigan Department of Licensing and Regulatory Affairs.
  - 12. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure which contains electrical wiring, lighting, and/or watering devices that support the cultivation, growing or harvesting of marihuana.
  - 13. Strict compliance with any applicable State law, rule, or regulation, this Ordinance, and Chapter 880, are required conditions of any special use permit issued under this section.
  - 14. In the event of any conflict between this Ordinance and State law, the terms of this Ordinance are preempted, and the controlling authority shall be the State law and the statutory regulations set forth by the MRTMA or the rules adopted by the Michigan Department of Licensing and Regulatory Affairs ("LARA" or "Department") to implement, administer, or enforce the MRTMA.
- F. Effect of Special Land Use Approval.
- 1. Special land use approval for an Adult Use Marihuana Establishment is valid only for the location identified on the application and shall not be transferred to another location within the City.
  - 2. Special land use approval will not prohibit prosecution by the federal government of its laws or prosecution by state authorities for violations of the Act or other violations not protected by the Michigan Regulation and Taxation of Marihuana Act.
  - 3. Compliance with City ordinances and state statutes and all rules promulgated thereunder is a condition of continuance of Marihuana Establishment Special Land Use Approval. Marihuana Establishment Special Land Use Approval may be suspended or revoked pursuant to Section 8 if such ordinances and/or statutes and/or regulations are violated.
  - 4. Nothing contained herein is intended to limit the City's ability to prosecute code violations that may have been the cause of the suspension or any other code violations not protected by the Michigan Regulation and Taxation of Marihuana Act.

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Section 4.21.G - 4.21.H

G. Denial of Special Land Use Application.

1. Applications for Marihuana Establishment Special Land Use Approval that are denied shall not be refunded the \$5,000 Municipal Marihuana License application fee required in Chapter 880, Marihuana Establishments, Part Eight: Business Regulation and Taxation Code of the Code of Ordinances of the City of Coldwater.
2. If the applicant chooses to re-submit an application, the re-submission shall be considered a new application.
3. Denial of Marihuana Establishment Special Land Use Approval may be appealed to the Zoning Board of Appeals in accordance with the provisions of this Zoning Code. Such appeal shall be filed within ten (10) days of the date of a final decision made by the Planning Commission. Review by the Zoning Board of Appeals shall be limited to Site Plan Conditions, and shall not include review of the Planning Commission's determinations as to the Basis of Determination as set forth in Section 6.2.D.

H. Violations. Failure to strictly comply with the requirements of this section 4.21, the MRTMA, the Marihuana Tracking Act, and all applicable rules promulgated by the State of Michigan regarding marihuana, shall be considered a violation of the Zoning Ordinance.

1. A. Request for revocation of state operating license. If at any time an Adult Use Marihuana Establishment authorized pursuant to this section violates this Chapter or any other applicable City ordinance, the City may request that LARA revoke or refrain from renewing the establishment's state operating license.
2. Revocation of Special Land Use Approval. Any approval granted for a marihuana establishment as a special land use may be revoked or suspended automatically for any of the following reasons:
  - a. Revocation or suspension of the Licensee's authorization to operate by the state.
  - b. A finding by LARA that a rule or regulation has been violated by the Licensee. After an automatic revocation of special land use approval, a new Special Land Use Application shall be required for an establishment to commence operation at the same location.
  - c. Other violations of the zoning ordinance, special land use approval, or conditions imposed thereon by the Planning Commission.
3. Warnings. All special use permit holders under this subsection, and their employees and agents, are presumed to be fully aware of the applicable law; the City shall not be required to issue warnings before issuing citations or other enforcement measure for violations of the special use permit or any applicable City ordinance, or state law or rule.

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Date: March 2, 2023

## PLANNING & ZONING ADMINISTRATOR'S REPORT

SUBJECT: March 2023 Planning & Zoning Administrator's Report

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1. Site Plans
  - a. Approved: 0
  - b. Under review: 1
  - c. On hold: 0
2. Zoning Board of Appeals
  - a. No March activity
3. Historic District Commission
  - a. Administrative Review: 0
  - b. Commission Review: 0
4. Committees
  - a. Main Street Design Review
  - b. Walking Tour
  - c. DDA Rebate Review
5. Training
  - a. ESRI ArcGIS Pro Fundamentals
  - b. ESRI ArcGIS Pro Online Mapping
  - c. Michigan Marihuana Summit