

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



August 16, 2021  
5:30 p.m.  
(517) 279-9501  
[www.coldwater.org](http://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, Keith Baker, Megan Angell, Susan Heath, Don Reid, Cody Newman, Tamaris Henagan and Sean Myers.

1. Minutes of the Regular Meeting of July 19, 2021.

**Commission Action:** Motion by Commissioner Cole, seconded by Commissioner Stevens, to approve and place on file the minutes of the Regular Meeting of July 19, 2021, as presented.

Ayes: 9

Nays: 0

Motion carried.

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

- None.

### PUBLIC HEARING

2. SUP21-16 A request from Highwire Farms to consider a Special Land Use Permit for the operation of an Adult Use Recreational Marihuana Retail located at 363 N. Willowbrook Rd.

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

Administrator Walrack presented SUP 21-16, a request from Highwire Farms, 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 363 N. Willowbrook Rd., Coldwater, MI.

A special land use permit is required for this project by Section 6.2 of the Zoning Ordinance. Section 1295.04 (Special Land Uses chapter) of the Zoning Ordinance states that: “The Planning Commission shall review the particular circumstances of the special use application under consideration in terms of the following standards and shall approve a special use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Zoning Code.”

Highwire Farms is requesting permission to construct and operate an Adult Use Recreational Marihuana Retail Establishment on vacant paved land at 363 N. Willowbrook Rd. This property was previously used as a parking lot for the Willowbrook Plaza strip shopping center, however it was separated as its own commercial parcel in 2019. It has most recently been used for the Outdoor Display and Sale of pre-built accessory buildings, for which a Special Land Use permission was granted by the Planning Commission in August 2020. A new building and parking area are to be constructed.

Administrator Walrack presented the sections of the Zoning Code regarding such a request, as well as the five Discretionary General Standards and 20 Non-Discretionary (Site Review) Standards by which the Commission may make decision regarding the request.

After review, staff notes the following:

Landscape plans have not been supplied, but the site will require front, rear, and side planting strips and interior planting spaces.

Sidewalks are not included, however, they do not presently exist on or near the site.

An additional barrier-free parking space is required.

A stormwater management plan will be required which is able to detain all runoff generated by a 100-year event. An on-site system may release into the City’s stormwater system at the rate of a 10-year event.

A Soil Erosion and Sediment Control Permit will be required.

Photometric Plans and Lighting Details have not been included, and lighting should be directed downward to reduce “light pollution” and should not extend beyond the property lines.

Signage plans have not been included, but will be required to conform to City signage regulations.

Final floor plans will 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 Designs and Attorney Tamaris Henagan, representatives of the property were on hand to answer Commissioner’s questions.

Public Comment: None.

Chairman Miller closed the public hearing at 5:49 p.m.

**Commission Action:** Motion by Commissioner Cole, seconded by Councilmember Beckwith, to approve the Special Land Use permission request for Adult Use Marihuana Retail Establishment to Highwire Farms, along with Planning Commission review of Site Plan, as the proposed use will be bound to all requirements for Site Plan Review in Section 6.1, 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.

Ayes: 8

Nays: 1 (Commissioner Rumsey)

Motion carried.

3. SUP21-17 A request from Exclusive Brands, LLC to consider a Special Land Use Permit for the operation of an Adult Use Recreational Marihuana Retail located at 599 E. Chicago St.

Chairman Miller opened the public hearing at 5:55 p.m.

Administrator Walrack presented SUP 21-17, a request from Exclusive Brands, 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 599 E. Chicago 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."

Exclusive Brands, LLC is requesting permission to operate an Adult Use Recreational Marihuana Retail Establishment from the building currently serving as Wings, Etc. Grill & Pub restaurant. All physical changes to the building will be interior of the building. A separate commercial suite is also proposed, though no use is presently proposed.

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

After review, staff notes the following:

The applicants are proposing no changes to the footprint of the building or the parking area presently, though they propose to resurface and restripe all parking areas and to build an enclosure for their waste disposal.

Several elements of the site are non-compliant with the current Zoning Code, including:

- Signage: the roof-mounted sign and the off-site freestanding sign. In addition to being prohibited City-wide, the cumulative sign area is ~150 sq. ft. in excess of the 200 sq. ft. limit on total site signage.
- Ingress/egress: The Teeter Dr. access is ~50 ft. centerline-to-centerline from the adjacent drive. Additionally, this access is not 8" reinforced concrete as required by City of Coldwater construction standards.
- Landscaping does not exist on-site.

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 Designs, representative of the property was on hand to answer Commissioner's questions.

Public Comment: None.

Chairman Miller closed the public hearing at 6:35 p.m.

Commissioners discussed the following conditions to be placed on the property:

- Completely remove the rooftop signage.
- Property has the option to move or remove the rear access.
- Bring back to the Planning Commission for approval a landscape plan.
- Dumpster to be placed in an enclosure.

**Commission Action:** Motion by Mayor Kramer, seconded by Commissioner Cole, to approve the Special Land Use permission request for Adult Use Marihuana Retail Establishment to Exclusive Brands, LLC, with the above noted four conditions, and 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.

Ayes: 9

Nays: 0

Motion carried.

**OLD BUSINESS**

None.

**NEW BUSINESS**

4. Planning Commission Recommendation Signage update for previously-approved Special Land Use approval for The Treehouse marihuana retail establishment located at 894 E. Chicago St.

Administrator Walrack presented the Planning Commission Recommendation Signage update for previously-approved Special Land Use approval for The Treehouse marihuana retail establishment located at 894 E. Chicago St.

Commissioners discussed and came to a consensus that they would not have approved the SUP for this property if it had included the 100 ft. tall sign.

Attorney Sean Myers representing the property was on hand to answer Commissioner's questions.

**Commission Action:** Motion by Commissioner Cole, seconded by Commissioner Rumsey, to Recommend to Zoning Board of Appeals that the Planning Commission would not have approved the Special Use Permit for this property with the proposed 100-foot-tall signage, as presented.

Roll Call Vote:

Ayes: Commissioners: Budd, Cole, Garn, Rumsey, Mayor Kramer, Councilmember Beckwith, Stevens, Alsuraimi and Chairman Miller

Nays: Commissioners: None.

Motion carried.

**ADJOURNMENT** – Next Meeting Tuesday, September 7, 2021.

Noting no other business to come before this Commission, Chairman Miller adjourned the meeting at 7:07 p.m.



Susan E. Heath  
City Clerk