



Cedar Springs Planning Commission Meeting

AGENDA

Tuesday, June 04, 2019

7:00 p.m.

**Cedar Springs City Hall
66 S. Main St.
Cedar Springs, Michigan**

1. Call the Meeting to Order. Pledge of Allegiance.

2. ROLL CALL:

Mr. Dale Bray	_____
Mrs. Kathy Bremmer	_____
Mr. Clint Conley, Vice-Chairperson	_____
Mr. Jerry Hall	_____
Mr. Daniel McGrath	_____
Ms. Shandell Napieralski	_____
Mr. John Nixon	_____
Mr. Harrison Owens	_____
Mr. Craig Owens, Chairperson	_____

3. Recognition of planning officials, engineering or legal representation.

4. Motion to approve the minutes of the Regular Meeting May 14, 2019.

5. APPROVAL OF AGENDA.

6. PUBLIC COMMENTS.

Those citizens wishing to speak on agenda and non-agenda items will be allowed a maximum of four minutes each to address their concerns. This is the only time during the meeting that citizens are allowed to address the Planning Commission. Please state your name and address for the record if you would like

7. CONFLICTS OF INTEREST AND EX-PARTE COMMUNICATION INQUIRY

8. SCHEDULED PUBLIC HEARINGS.

A. Waste Receptacles (Dumpster) Ordinance

9. NEW BUSINESS.

A. Discussion on sign ordinance, permit requirement for changing sign insert/face.

B. Discussion on Second and Maple parking lot design.

10. OLD BUSINESS.

A. Motion to recommend the City Council adopt this ordinance updating Waste Receptacles (Dumpster) ordinance for the City of Cedar Springs.

11. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA.

A. Correspondence

i. Zoning Map Ordinance – First Reading on 06-13-2019

B. Staff Comments.

i. City Manager

ii. City Clerk

C. Planning Commission Members.

12. REPORT OF THE CITY COUNCIL REPRESENTATIVE.

13. REPORT OF THE PLANNING CONSULTANT.

14. ADJOURNMENT.



Cedar Springs Planning Commission Meeting

MINUTES

Tuesday, May 14, 2019

7:00 p.m.

Cedar Springs City Hall
66 S. Main St.
Cedar Springs, Michigan

1. **C. Owens** called the meeting to order at 7:00pm. The Pledge of Allegiance was recited.

2. ROLL CALL:

Mr. Dale Bray	<u>Present</u>
Mrs. Kathy Bremmer	<u>Present</u>
Mr. Clint Conley, Vice-Chairperson	<u>Present</u>
Mr. Jerry Hall	<u>Excused</u>
Mr. Daniel McGrath	<u>Present</u>
Ms. Shandell Napieralski	<u>Present</u>
Mr. John Nixon	<u>Present</u>
Mr. Harrison Owens	<u>Present</u>
Mr. Craig Owens, Chairperson	<u>Present</u>

3. Recognition of planning officials, engineering or legal representation.

R. Johnson (City Clerk)

4. Motion to approve the minutes of the Regular Meeting April 09, 2019.

Motion by **C. Owens** seconded by **Bremmer** to approve the minutes of the Regular April 09, 2019 Meeting with the revision under public hearing to change from H. Owens to C. Owens.

Voice Vote.

8-0

Motion Carried.

5. APPROVAL OF AGENDA.

Motion by **McGrath** seconded by **Bray** to approve the agenda as presented.

Voice Vote.

8-0

Motion Carried.

6. PUBLIC COMMENTS.

Those citizens wishing to speak on agenda and non-agenda items will be allowed a maximum of four minutes each to address their concerns. This is the only time during the meeting that citizens are allowed to address the Planning Commission. Please state your name and address for the record if you would like

None.

7. CONFLICTS OF INTEREST AND EX-PARTE COMMUNICATION INQUIRY

None.

8. SCHEDULED PUBLIC HEARINGS.

A. 4013 Site Plan and Special Land Use

C. Owens opened the public hearing at 7:02pm.

Public Comments: None.

C. Owens closed the public hearing at 7:03pm.

B. Zoning Ordinance & Revised Zoning Map

C. Owens opened the public hearing at 7:04pm.

Public Comments: None.

C. Owens closed the public hearing at 7:05pm.

9. NEW BUSINESS.

A. Updated 4013 Muskegon Site Plan and Special Land Use

- a. Recommended-Motion to table the site plan and special land use until the June 4th Planning Commission meeting to allow applicant to address the recommendations of the City Planner.
- b. City Planners updated report of May 6th, 2019
- c. City Engineers report of May 7th, 2019
- d. 2015 agreement between City and TSC regarding outdoor storage.
- e. Site Plan and SLU applications

C. Owens explained that the engineer requested that the project at 4013 Muskegon be removed from the agenda for consideration until the requested changes can be made.

B. Zoning Map update

- a. Recommended-Motion to recommend the City Council adopt this ordinance updating the official zoning map for the City of Cedar Springs.

Motion by **C. Owens** seconded by **Conley** to recommend the City Council adopt this ordinance updating the official zoning map for the City of Cedar Springs.

Voice Vote.

8-0

Motion Carried.

10. OLD BUSINESS.

- A. Waste Receptacles (Dumpster) Ordinance
 - a. Set public hearing for June 4, 2019

Motion by **C. Owens** seconded by **McGrath** to set a public hearing for the Waste Receptacles (Dumpster) ordinance.

Voice Vote.

8-0

Motion Carried.

11. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA.

- A. Correspondence
 - i. Table of Uses Ordinance – tabled until 5-11-2019 Meeting- PASSED
 - ii. Principal Uses on a Lot Ordinance – Passed
 - iii. Parking Standards Ordinance – Passed
 - iv. RRC Baseline Report
- B. Staff Comments.
 - i. City Manager
 - ii. City Clerk- Thanked the board for attending tonight's meeting.
- C. Planning Commission Members.
 - None.

12. REPORT OF THE CITY COUNCIL REPRESENTATIVE.

None.

13. REPORT OF THE PLANNING CONSULTANT.

None.

14. ADJOURNMENT.

Motion by **Bremmer** seconded by **McGrath** to adjourned the meeting at 7:12 p.m.

Voice Vote

8-0

Motion Carried.

Rebecca Johnson, City Clerk

Craig Owens, Chairperson

**CITY OF CEDAR SPRINGS
CITY COUNCIL
Kent County, Michigan**

Councilmember _____ supported by Councilmember _____, moved the adoption of the following ordinance:

ORDINANCE NO. 216

AN ORDINANCE TO AMEND Chapter 40- ZONING OF THE CITY CODE OF ORDINANCES

THE CITY OF CEDAR SPRINGS ORDAINS:

Section 1. Amendment to Modify Chapter 40-Zoning, Article IV-Supplemental Regulations, Division 2 Yard, Use, Height, etc. Requirements Sec. 40-462. - Waste receptacles (dumpsters). That the Code of Ordinances of the City of Cedar Springs is amended to;

to read in its entirety as follows:

Sec. 40-462. - Waste receptacles (dumpsters).

- (a) All outdoor waste receptacles shall be enclosed on three sides and screened to be opaque or substantially opaque to the outside. The enclosure shall be constructed of brick, decorative concrete, vinyl, steel, aluminum or composite boards. Other high-quality and durable decorative materials consistent with the building materials of the principal building may be approved by the Planning Commission or Zoning Administrator on a case by case basis. Chain-link fence is prohibited as an enclosure material. The bottom of the enclosed three sides shall be within 2 inches of the waste receptacle base at all points of the enclosure.**
- (b) The enclosure shall also include an opaque or substantially opaque to the outside gate or gates, made of metal, wood or other high quality material on the fourth side. Chain-link fence is prohibited as a gate material. The bottom of the gate shall be within 4 inches of the waste receptacle base at all points. The gate(s) shall have a closing latch and shall remain closed at**

all times except during servicing. The waste receptacle must have an enclosing lid or cover.

- (c) The enclosure shall have a minimum height of six feet or one foot above the height of the waste receptacle, whichever is greater. The enclosure must be spaced at least three feet from the waste receptacle .
- (d) Waste receptacles and enclosures shall be located in the rear yard, not closer than three feet from the rear lot line, or nonrequired side yard, unless otherwise approved by the planning commission and shall be as far as practical. If practical, the waste receptacle enclosure should be placed a minimum 20 feet from all residential districts.
- (e) Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site. If possible, the opening shall not directly face the driveway.
- (f) The waste receptacle base shall be at least nine feet by six feet in area, constructed of six inches of reinforced concrete pavement. The base shall extend six feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
- (g) Curbing or bollards shall be utilized at the rear of the inside of the enclosure as bump guards to prevent damage to the enclosure during the emptying process. Bollards are recommended as bump guards for use in other areas subject to damage from vehicles, during the emptying process or to prevent the gates from swinging into parked vehicles or travel lanes. The Planning Commission or zoning administrator may require the installation of additional bollards to meet site plan objectives.**
- (h) The shared use of receptacles shall be allowed by adjoining businesses where sharing will not create a health or safety concern and where it does not result in the accumulation of visibly excessive quantities of waste. Necessary shared use agreements are required.
- (i) Where grease disposal receptacles are used, curbing shall be provided around the enclosure base to contain any spillage.

(j) Areas provided for waste receptacles must be maintained in a clean and sanitary fashion. Where deemed necessary for restaurant uses, a drain may be installed to collect any liquids and/or for use in cleaning.

(k) The enclosure shall be constructed in such a manner that all structural members, including braces, posts, poles and other projections, shall be on the interior side of the fence unless of a decorative nature. The decorative side of the screening side and gate shall face to the outside.

(l) All waste receptacle or dumpster enclosures shall be installed in a workmanlike manner and be maintained at all times in a state of good repair, with all braces, fasteners, supporting frames, etc., free from deterioration, insect infestation, rot and rust. All waste receptacles or dumpster enclosures shall be kept neatly finished, including all metal parts and supports that are not galvanized or made of rust-resistant metals.

(m) Whenever land uses, buildings, and structures are proposed to be expanded, enlarged, or increased in intensity, the zoning administrator shall determine whether the screening of dumpsters is needed to improve the appearance of a site and reduce the likelihood of windblown trash and may require compliance with this section under the requirements of Sec. 40-55.

Section 2. Severability and Repealer. If any portion of this Ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3. Effective Date. This ordinance shall take effect upon its publication in The Cedar Springs Post, a newspaper of general circulation in the City of Cedar Springs, consistent with state law and the City Charter.

YEAS: Councilmembers: _____

NAYS: Councilmembers:_____

ABSENT: Councilmembers:_____

ABSTAIN: Councilmembers:_____

Ordinance No. 216 declared adopted

Dated _____, 2019

Rebecca Johnson, City Clerk

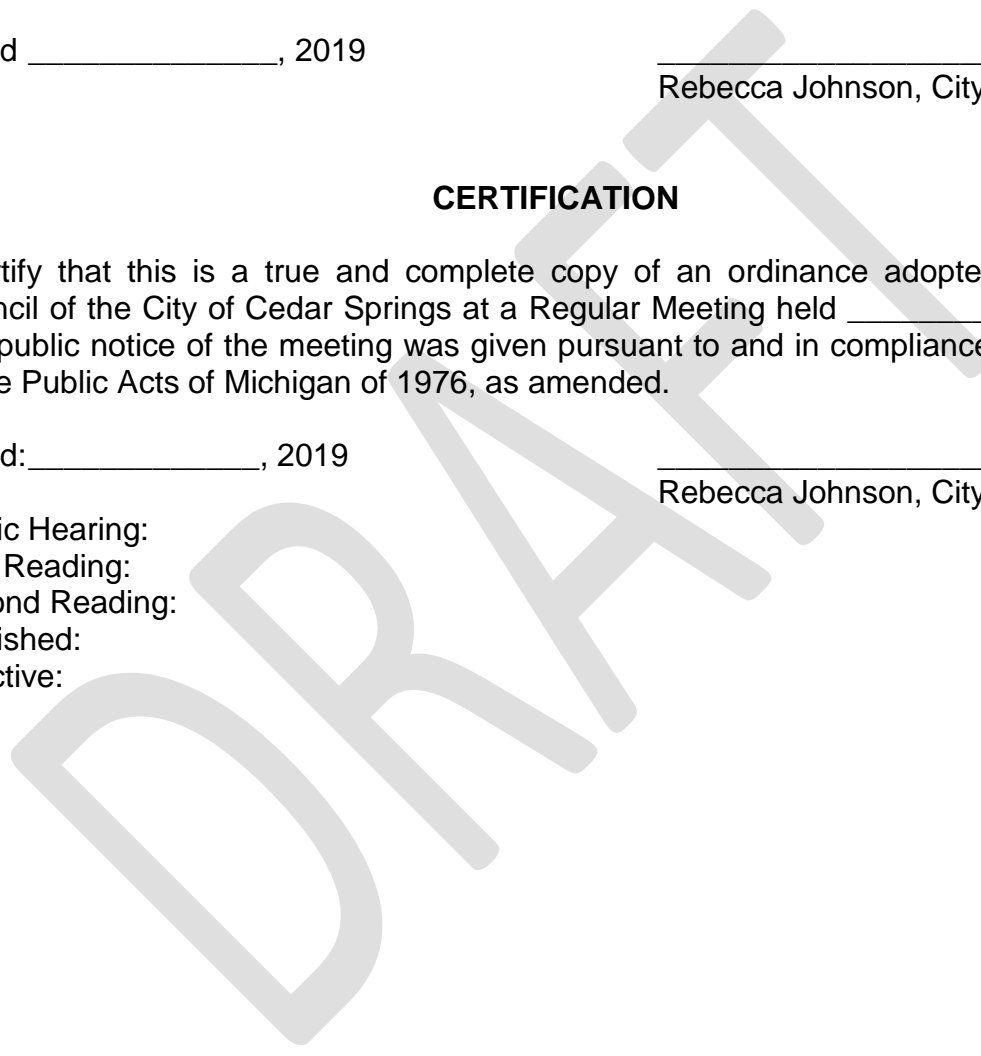
CERTIFICATION

I certify that this is a true and complete copy of an ordinance adopted by the City Council of the City of Cedar Springs at a Regular Meeting held _____, 2019 and that public notice of the meeting was given pursuant to and in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended.

Dated: _____, 2019

Rebecca Johnson, City Clerk

Public Hearing:
First Reading:
Second Reading:
Published:
Effective:





City Manager's Office

**Planning Commission-City Hall
66 S. Main St.
Cedar Springs, MI 49319**

05-30-19

Planning Commission,

I am asking you for some policy direction regarding the City's sign ordinance which was approved and recommended by this body last year. There is some ambiguity in the ordinance language regarding whether sign inserts/faces need approval from the City or not.

Sign inserts/faces are the changeable sign face, often made of acrylic, that can be changed out of a sign structure and replaced without altering any other characteristic of the sign structure, such as size, location, lighting or mounting. It is common for a business to change or update their sign insert on a regular basis and

The ordinance gives no direction on how to address this issue so I have been interpreting it to require regulation of all signage that is not otherwise specifically exempted under the ordinance. I believe that it is open to interpretation whether a sign insert/face change is intended to be reviewed and approved of by the City. I think it could be appropriate to exempt sign insert changes in practice so long as they don't change the size of the sign and don't otherwise alter, change, modify or enlarge any other sign characteristic of the sign structure.

If a business does not make any of those changes while changing the sign insert it puts me into the position of essentially rubberstamping the approval (after taking \$25 from the applicant) by confirming that they haven't changed anything. It also comes dangerously close to approving a sign change based on the content of the sign, which is prohibited by caselaw. As you can imagine, business owners are not fond of the current practice as they see it as unnecessarily costly and burdensome.

There are benefits to continuing this practice however, in that it allows the City to review proposed changes to ensure that a business continues to follow the sign ordinance. I have found that businesses broadly interpret the sign ordinance to be in their favor and may see this as an opportunity to make sign structural changes to their signage under the cover of only changing the sign insert. Having the City review all proposed changes helps prevent a business from erecting an illegal sign which would be required to be removed. Also, because the City does not utilize a business license system, sometimes a sign change permit is the only notice that the City receives regarding a change in business.

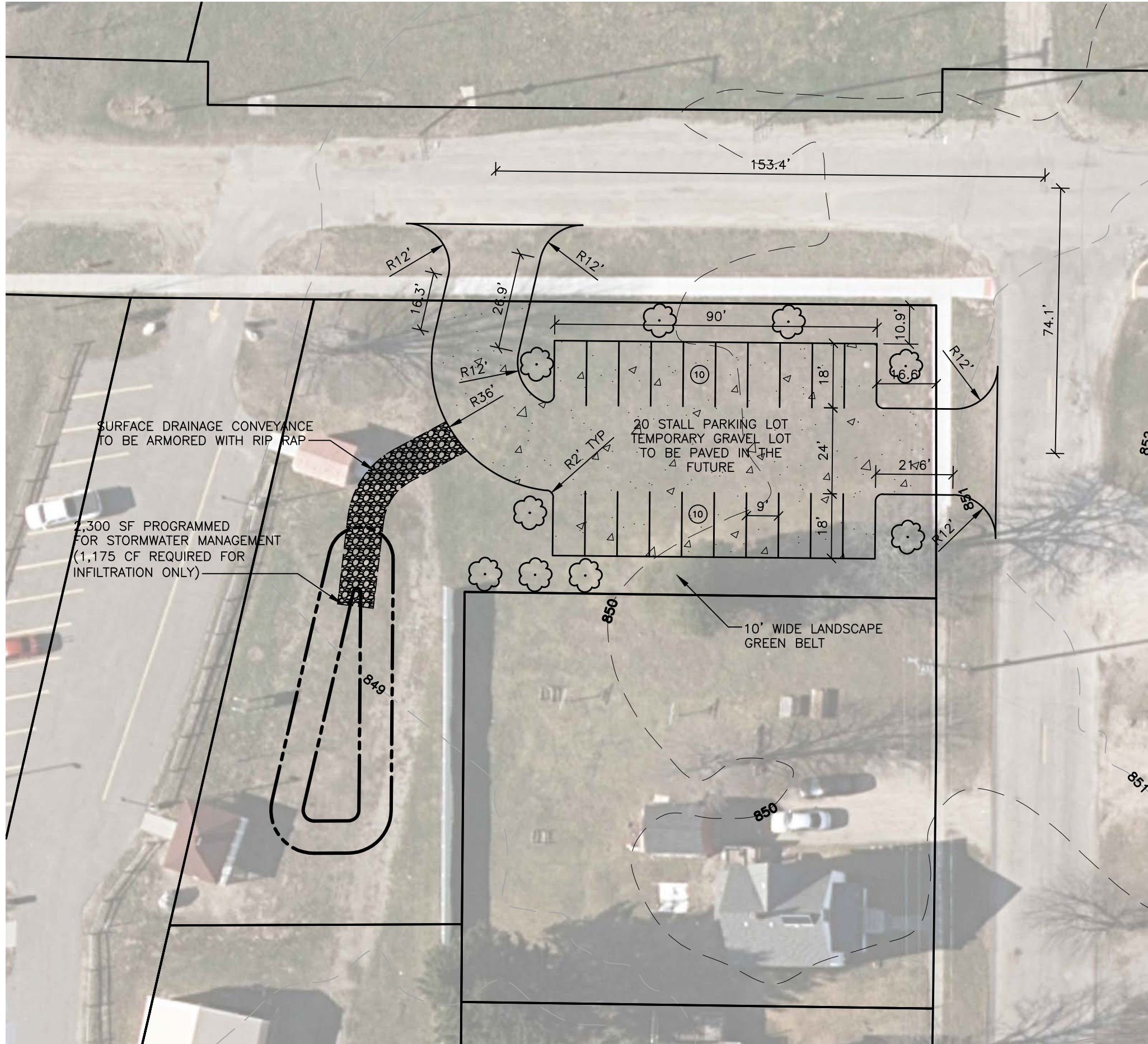
Please let me know what your interpretation is and whether the City should continue to require sign insert/face changes to receive City permit approval.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Womack".

Mike Womack City Manager
City of Cedar Springs
66 S Main St, Cedar Springs, MI 49319
manager@cityofcedarsprings.org

66 S. Main Street P.O. Box 310 Cedar Springs, Michigan 49319-0310 www.cityofcedarsprings.org
Phone 616.696.1330



SYMBOL LEGEND



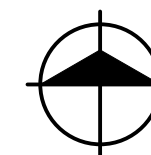
ASSUMPTIONS

1. PARCEL ZONING WILL ALLOW FOR PARKING LOT TO BE AN ALLOWABLE USE.
2. ENTRANCE WITHIN 100' OF INTERSECTION WILL BE ALLOWED.
3. 10' LANDSCAPE BUFFER REQUIRED ALONG WEST MAPLE STREET NE AND NORTH 2ND STREET NE.
4. 2 TREES REQUIRED ALONG MAPLE STREET NE.
5. 2 TREES REQUIRED ALONG NORTH 2ND STREET NE.
6. 3 TREES ARE SHOWN ON THE SOUTHERN PROPERTY LINE IN LIEU OF 5 DUE TO THE PRESENCE OF LARGE EXISTING TREES THAT WILL BE REMOVED TO PLANT NEW TREES.
7. STORMWATER AND ZONING REGULATIONS WILL ALLOW FOR IMPERVIOUS PERCENTAGE GREATER THAN OF 10%. CURRENT DESIGN IS 36% IMPERVIOUS.
8. SOILS WILL ALLOW FOR INFILTRATION RATE OF 19.5 IN/HR.
9. A STORMWATER OUTFALL WILL BE DESIGNED AT A LATER DATE IF INFILTRATION RATE IS NOT ACHIEVABLE.

NOTES:

1. DESIGN COMPLETED USING GIS INFORMATION. CONTRACTOR TO FIELD VERIFY LOCATION OF ALL UTILITIES, TREES AND SITE IMPROVEMENTS PRIOR TO BEGINNING CONSTRUCTION.
2. PROVIDE POSITIVE DRAINAGE ON SURFACE LOT AND PREVENT AREAS FROM PONDING.
3. STORMWATER MANAGEMENT AREA WAS SIZED BASED ON THE FOLLOWING PARAMETERS:
 - 0.49 ACRE LOT
 - 0.45 WEIGHTED C
 - 19.5 IN/HR INFILTRATION RATE
 - 600 SF OF INFILTRATION AREA

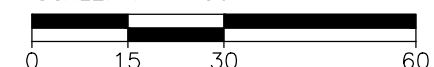
TOTAL STORAGE REQUIRED = 1,175 CF
TOTAL STORAGE PROGRAMMED = 2,208 CF



NORTH

SITE LAYOUT

SCALE: 1" = 30'



fish
and
huber

engineers

scientists

architects

constructors

fishbeck, thompson,
carr & huber, inc.

Hard copy is
intended to be
11"x17" when
plotted. Scale(s)
indicated and
graphic quality may
not be accurate for
any other size.

City of Cedar Springs
Kent County, MI

Maple and Second Parking Lot

OWNER REVIEW
03/08/2019

PROJECT NO.
181795

FIGURE NO.

C1