



Cedar Springs Planning Commission Meeting

MINUTES

Tuesday, May 12, 2020

7:00 p.m.

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

1. **C. Owens** called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.
2. ROLL CALL:

Mr. Dale Bray	<u>Present</u>
Mrs. Kathy Bremmer	<u>Excused</u>
Mr. Clint Conley	<u>Present</u>
Mr. Jerry Hall	<u>Present</u>
Mr. Daniel McGrath	<u>Present</u>
Mr. John Nixon	<u>Absent</u>
Mr. Craig Owens	<u>Present</u>
Mr. Harrison Owens	<u>Present</u>
Mr. Ashley Watson	<u>Present</u>

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

Womack (City Manager), R. Johnson (City Clerk) and S. Napieralski (Deputy Clerk)

4. Motion to approve the minutes of the Regular Meeting March 03, 2020.

Motion by **Conley** seconded by **McGrath** to approve the minutes of the Regular Meeting March 03, 2020.

Voice Vote 7-0

Motion Carried.

5. APPROVAL OF AGENDA.

Motion by **C. Owens** seconded by **Watson** to approve the agenda as presented

Voice Vote 7-0

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.

C. Owens opened the public hearing at 7:07 p.m.

- A. Public Hearing to Amend Chapter 40, Article I, Section 40-5 Entitled “Definitions – K – M;” Amend Chapter 40, Article Iv, Division 2, Section 40-461 Entitled “Home Occupations;” To Repeal Chapter 40, Article Iv, Division 2, Section 40-468 Entitled “Prohibition Of Marihuana Dispensaries, Collectives And Cooperatives;” To Amend Chapter 40, Article Iii, Section 40-294 Entitled “Special Land Uses;” To Amend Chapter 40, Article Iii, Section 40-342 Entitled “Special Land Uses;” To Amend Chapter 40, Article Iii, Section 40-365 Entitled “Special Land Uses;” To Amend Chapter 40, Article Iii, Section 40-387 Entitled “Special Land Uses;” And To Amend Chapter 40, Article Viii, Section 40-575 Entitled “Uses - F – M” Of The Code Of Ordinances For The City Of Cedar Springs.

Public Comment: None.

C. Owens closed the public hearing at 7:09 p.m.

9. NEW BUSINESS.

1. Motion to recommend the **approval or denial** to the City Council for the amendment to Chapter 40, Article I, Section 40-5 Entitled “Definitions – K – M;” Amend Chapter 40, Article Iv, Division 2, Section 40-461 Entitled “Home Occupations;” To Repeal Chapter 40, Article Iv, Division 2, Section 40-468 Entitled “Prohibition Of Marihuana Dispensaries, Collectives And Cooperatives;” To Amend Chapter 40, Article Iii, Section 40-294 Entitled “Special Land Uses;” To Amend Chapter 40, Article Iii, Section 40-342 Entitled “Special Land Uses;” To Amend Chapter 40, Article Iii, Section 40-365 Entitled “Special Land Uses;” To Amend Chapter 40, Article Iii, Section 40-387 Entitled “Special Land Uses;”

And To Amend Chapter 40, Article VIII, Section 40-575 Entitled "Uses - F – M" Of The Code Of Ordinances For The City Of Cedar Springs – Marijuana Ordinance

- a. Marihuana Zoning Ordinance Draft
- b. Recreational (adult-use) Marihuana establishments proposal
- c. Marihuana zoning proposals for change
 - i. R3 proposed 500-foot exclusion zone around Brook
 - ii. R3 proposed 500-foot exclusion zone around 14300 WHITE CREEK AVE NE
- d. 1000-foot school exclusion zone map
- e. 2020 Cedar Springs Zoning Map

C. Owens asked the Planning Commission go through each of the questions Womack has given and discuss. Then allow Womack use these as a guide to allow to draft a recommendation for the upcoming June meeting.

Womack agreed with Owens that the Planning Commission should make the recommendation to the City Council in June to give the public as many opportunities to weigh in on this topic.

1. Should the City add the R3 zoning district to the 500-foot exclusionary zone for growers, processors and excess growers?

Bray expressed concern where this zone is in relation to The Brook, it should be 1,000 feet or more. **Womack** clarified it is a residential area and that is a 1,000 from CTA.

- a. Yes- Bray, Conley, Hall, McGrath, H. Owens, Watson, C. Owens
- b. No-None
 - i. 7-Yes, 0-No

2. Should the City allow marihuana retailers to operate in the B2 district?
felt that it would bring more business downtown. **Watson** agreed, seeing it as a positive to allow it there.

- a. Yes-Bray, Conley, Hall, McGrath, H. Owens, Watson
- b. No-C. Owens
 - i. 6-Yes, 1-No

3. Should the City allow marihuana retailers to operate in the B3 district?

- a. Yes-Bray, Conley, Hall, McGrath, H. Owens, Watson
- b. No-C. Owens
 - i. 6-Yes, 1-No

4. Should the City allow marihuana retailers to operate in the HC district?

- a. Yes-Conley, Hall, H. Owens, C. Owens
- b. No-Bray, McGrath, Watson
 - i. 4-Yes, 3-No

5. Should the City allow marihuana microbusinesses to operate in the B3 district?

- a. Yes- Bray, Conley, McGrath, H. Owens, Watson
- b. No- Hall, C. Owens
 - i. 5-Yes, 2-No

6. Should the City allow marihuana microbusinesses to operate in the HC district?

Bray clarified that microbusinesses is retailer, grower, and processor. **C. Owens** stated it is a do it all. **Conley** using a microbusiness to use it as a carrot to bring it downtown.

Bray agreed it should go downtown. **Conley** stated HC is 425, essentially could get much larger if we allowed more businesses to come in.

- a. Yes-H. Owens
- b. No-Bray, Conley, Hall, McGrath, Watson, C. Owens
 - i. 1-Yes, 6-No

7. Should the City prohibit marijuana businesses from sharing a property line with a single-family residential primary use in the B3 district?

H. Owens questioned Womack that this would eliminate a large portion of B3. **Womack** felt it would eliminate some but not all portions. **McGrath** asked how this would apply in question 8. **Womack** stated he would review those areas more in depth.

- a. Yes- Bray, Conley, Hall, McGrath, H. Owens, Watson, C. Owens
- b. No-None
 - i. 7-Yes, 0-No

8. Should the City prohibit marijuana businesses from sharing a property line with any single-family residential primary use in ALL zoning districts?

H. Owens questioned if apartments above the B2 district would be considered a shared property line. **Womack** stated current draft reads, that it cannot share a property line with single-family primary residential use. It could occur with a neighbor with a business with an apartment above because it is an accessory use, multi-family use.

- a. Yes- Bray, Conley, Hall, McGrath, H. Owens, Watson, C. Owens
- b. No- None
 - i. 7-Yes, 0-No

9. Should the City allow marijuana retailers to co-locate on the same property as a grower/processor/excess grower in the HC district?

Conley a smaller grower do it all facility might do well in HC, but expressed concern about being defined a big box giant. **Watson** felt businesses should be more directed downtown.

- a. Yes- H. Owens
- b. No- Bray, Conley, Hall, McGrath, Watson, C. Owens
 - i. 1-Yes, 6-No

10. Should the City increase from 100 feet to 500 feet the separation distance between microbusinesses in the I-1 district from all properties in the R1, R2 and MU districts (effectively removing them from the downtown industrial zone)?

H. Owens if the goal is trying to bring businesses downtown, it should be permitted.

Hall asked for clarification on the vote. **C. Owens** stated that a Yes increases separation to 500, a No means it remains at 100 feet. **Conley** recognized Ash St. is a part of the overlay, next to the trail.

- a. Yes- McGrath, Watson, C. Owens
- b. No-Bray, Hall, H. Owens
- c. Abstain- Conley
 - i. 3-Yes, 3-No, 1-Abstain

11. Should the City exclude growers and processors from the HC district?

Hall stated he would like to have a limit on the size of operations. **Womack** responded that will be addressed in a later question.

- a. Yes-Bray, McGrath, Watson, C. Owens
- b. No-Conley, Hall, H. Owens
 - i. 4-Yes, 3-No

12. If we allow growers/processors to operate in the HC district, should we require that they have a retail store front co-locate?
 - a. Yes- Conley, Hall, McGrath, H. Owens, Watson, C. Owens
 - b. No- Bray
 - i. 6-Yes, 1-No
13. If we allow growers/processors to operate in the HC district, should we require the entire marijuana business to operate in building/s less than 20,000 square feet on a single piece of property.

Womack stated that this should address Hall's concern from the earlier question.

Watson asked for a visualization of what 40,000 square feet for a better understanding.

It sounds big, but he don't want to make any assumptions. **Womack** made multiple building comparisons, including Save-A-Lot, the firework store, warehouse by CS Manufacturing. **H. Owens** felt the change should only apply to HC district, not to the Industrial district. **C. Owens** made question wording change from 40,000 sq ft. to 20,000 sq ft. for the entire building on a single piece of property.

- a. Yes- Bray, Conley, Hall, McGrath, H. Owens, Watson, C. Owens
 - b. No-None
 - i. 7-Yes, 0-No
14. Should the City prohibit stand-alone marijuana retailers from operating in the HC district? (i.e. must co-locate with a grower/processor if those are permitted)
 - a. Yes- Bray, Conley, Hall, McGrath, H. Owens, Watson, C. Owens
 - b. No-None
 - i. 7-Yes, 0-No

10. OLD BUSINESS.

None.

11. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA.

A. Correspondence

- i. 413 E. Muskegon Lara Letter
- ii. 413 E. Muskegon Licensure
- iii. 04-08-2020 O'Reilly Auto Parts Final Site Plans

B. Staff Comments.

- i. City Manager-Thanked the Planning Commission for this very difficult, complex meeting.
- ii. City Clerk-None.

C. Planning Commission Members.

Watson thanked everyone for being mature and allowing everyone to speak on the subject, and making the question review go smoothly.

H. Owens Thanked Womack for getting all the information.

C. Owens Thanked everyone because this is thankless work that is important. It speaks volumes about the level and care of our city.

Hall Thanked everyone for their due diligence. This work is laying a future foundation. Thank you for all your hard work.

12. REPORT OF THE CITY COUNCIL REPRESENTATIVE.

None.

13. REPORT OF THE PLANNING CONSULTANT.

None.

14. ADJOURNMENT.

Watson motion, **Bray** seconded to Adjourn 8:58 pm

Voice Vote 7-0

Motion Carried.

Shandell Napieralski, Deputy City Clerk

Craig Owens, Chairperson