



Cedar Springs Planning Commission Meeting

MINUTES

Tuesday, September 01, 2020

7:00 p.m.

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

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

C. Owens called the Meeting to Order at 7:02 pm and the Pledge of Allegiance was recited.

2. ROLL CALL:

Mr. Dale Bray	<u>Present</u>
Mrs. Kathy Bremmer	<u>Present</u>
Mr. Clint Conley	<u>Present</u>
Mr. Jerry Hall	<u>Present-Arrived Late</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>

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

T. Johnson (City Planner), Womack (City Manager), and S. Napieralski (Deputy Clerk), Ms. Powell-City Council Person, Mr. Pease-citizen

4. Motion to approve the minutes of the Regular Meeting August 11, 2020.

Motion by **McGrath** seconded by **Bray** to approve the minutes of the Regular Meeting August 11th, 2020

Voice Vote **7-0** **Motion Carried.**

5. APPROVAL OF AGENDA.

Motion by **C. Owens** seconded by **Bremmer** 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.

*No public comment from persons present in Council Chamber.
No public comment from persons attending the meeting virtually.*

Womack read letters from members of the public
C. Owens closed public comment

7. CONFLICTS OF INTEREST AND EX-PARTE COMMUNICATION INQUIRY.

None,

8. SCHEDULED PUBLIC HEARINGS.

- A. PUBLIC HEARING FOR A SPECIAL LAND USE OF Battle Spring LLC D/B/A 3Fifteen Cannabis, at 4011-13 17 Mile Rd Cedar Springs, MI 49319: The applicant is seeking special land use approval for a Recreational (Adult-Use) Marihuana Retail Store and for a Recreational (Adult-Use) Marihuana Processor. The property is zoned HC-Highway Commercial, the applicant requests Special Land Use approval in that district. The Municipal Code, Sec. 40-365(u) and Sec. 40-365(v) – Special Land Uses require approval from the Planning Commission for this request. The parcel number is 41-02-25-300-023.

Craig Owens opened public hearing

Nafso shared a Powerpoint slideshow for 3Fifteen Cannabis

Hendrick discussed 3Fifteen project.

Craig Owens asked for any additional public comments, none were had.

T. Johnson discussed his report. Requires 2 SLU's be approved, cannot have just one. Discussed traffic island installation, marihuana delivery plans and transfer between the 2 establishments.

Craig Owens closed public hearing

- B. PUBLIC HEARING FOR A SPECIAL LAND USE OF Agrimed LLC at 13903 White Creek Ave., Cedar Springs, MI 49319: The applicant is seeking special land use approval for a Recreational (Adult-Use) Marihuana Retail Store and for a Recreational (Adult-Use) Marihuana Processor. The property is zoned HC-Highway Commercial, the applicant requests Special Land Use approval in that district. The Municipal Code, Sec. 40-365(u) and Sec. 40-365(v) – Special Land Uses require approval from the Planning Commission for this request. The parcel number is 41-02-35-200-031.

Craig Owens opened public hearing.

Aaron Smith discussed Agri-med, plans to use existing building but will bring exterior up to required code

Greg Maki discussed history of Agri-med

Craig Owens asked for additional public comments, none were had

Tim Johnson discussed his report, indicated that Agri-med had not provided enough information and that he didn't feel as though he could properly advise board. Did state that Agri-med needed sidewalk or sidewalk waiver.

Bremmer had question about traffic and odor.

Maki discussed number of customers and customer turnaround time. 26 parking spots required and 44 provided.

Womack discussed odor control requirements

Craig Owens closed public hearing

9. OLD BUSINESS.

- A. Lume Cannabis Co. Application for 16 N. Main St.
 - a. Lume Marijuana Establishment Application
 - b. Lume Architectural Plan
 - c. Lume Special Land Use
 - d. Lume Zoning Application
 - e. Lume Public Notice
 - f. Lume 300-foot letter
 - g. Lume Site Plan Map
 - h. Lume Site Plan Overlay
 - i. Lume Floor Plan
 - j. Lume Elevations
 - k. Lume Rendering Aerial
 - l. Lume Rendering Street View
- M. City Planner Second Report on Lume Cannabis Co.

Tim Johnson discussed second memo, new façade plans, upgraded alleyway, questions about dumpster location, new site plan at 4pm but didn't get a chance to review it. Improvement of alley, very attractive but may not be appropriate for public to congregate, discourage children from being in that area, may be liability for Lume. Close to Kent Theater, benches and bike racks should be discussed.

Chris Enright reviewed memo and responded to that memo, with John Abbo corporate counsel for Lume.

Harrison Owens asked about traffic counts

John Abbo indicated 30-40 per hour with about a 6-minute turnaround time.

Womack discussed rear parking

Tim Johnson asked about waste

John Abbo indicated that the store created minimal waste and could do away with dumpster

Chris Enright discussed potential easement which would allow parking in the rear of the building

Womack stated that he likes alleyway, thinks it will be a positive for City

Bremmer commented on responsibilities under Special Land Use ordinance

Bremmer made a motion to deny Lume Cannabis both the Special Land Use and deny the Zoning Approval

Craig Owens supported motion

Harrison Owens stated he disagreed with Bremmer, felt morality was outside of scope of PC to review, just another retail storefront, bring business into downtown

Bremmer stated no way for marihuana businesses can meet general welfare of the community or the master plan

Conley stated Bremmer has mischaracterized many terms, Bremmer has “power-tagged” in her argument trying to define terms but they are really just opinions, not everyone agrees with opinions, PC voted 6-1 to allow these types of businesses and were then approved of by the City Council

Bremmer stated that she quoted from Master Plan, discussed the word “quaint”

Conley stated that Bremmer’s use of the word “quaint” was an opinion

Craig Owens stated that Johnson memo asks is this appropriate location for this type of use

Tim Johnson says these standards are to be determined by each member of the PC

Womack stated that marihuana retails stores are still just retail stores, PC and CC determined that these were appropriate businesses for the City.

Bremmer stated that marihuana represents a safety hazard

Craig Owens clarified motion, Motion was to deny the request, so a “yes” vote is to deny the request, a “no” vote is in favor of allowing it

**Roll Call Vote Bray-NO, Bremmer-YES, Conley-NO, McGrath-ABSTAIN, Harrison Owens-NO, Watson-NO, Craig Owens-YES
2-Yes, 4-No, 1 Abstain Motion Failed.**

Watson asked about lighting in the alleyway

Enright indicated that lighting would meet City’s requirements

Craig Owens asked about benches and bike racks

Conley would like to retain both

Hall liked bike racks and would like rear parking

Craig Owens made **motion** to acknowledge Mr. Hall’s presence for voting purposes, seconded by Watson

Voice Vote 7-0 Motion Carried.

Bremmer and Womack indicated the yellow door was gaudy

Enright clarified that façade was clear glass that could be seen through

Bray and Conley ok with design

Tim Johnson indicated parking should be contingent upon easement proof, **Womack** agreed

Womack and Enright discussed parking and underwater detention

Womack asked Board about sidewalk on east side of parcel, **Bray** would like to add sidewalk and require irrigation system in alleyway

Johnson and Womack, Lume should provide landscaping plan

Craig Owens reading off **Johnson** memo made motion that approval be granted subject to following conditions, 1 and 2 as presented, 3 benches and bike racks retained, 4 is as presented, 5 façade seen at meeting is acceptable, 6-10 are as presented, add 11 get parking easement agreement and submit to City Manager, 12 have landscaping plan be submitted, 13 final plans to be submitted, reviewed and approved by Zoning Administrator, seconded by **Watson**

Voice Vote

Motion Carried

- B. DRAFT Fence Ordinance
 - a. City Manager Memo
 - b. Side Yard Fence Map

Womack discussed changes to draft ordinance, Board asked about potential changes to ordinance including agricultural fencing for gardens and also underground electronic/invisible fences, **Womack** to add new language for future

10. NEW BUSINESS.

- A. Agrimed LLC Application for 13903 White Creek Ave.
 - a. Agrimed LLC Special Land Use Application
 - b. Agrimed LLC Retail Establishment Plans
 - c. Agrimed LLC Processing Establishment Plans
 - d. Agrimed LLC Public Notice
 - e. City Planner Report on Agrimed LLC

Johnson stated Agri-med has made progress but were late submissions and has not been properly reviewed, recommended against moving forward, **Womack** agreed.

Craig Owens made a motion to table until next meeting, **Bremmer** seconded that motion.

Voice Vote

8-0

Motion Carried.

- B. Battle Spring LLC D/B/A 3Fifteen Cannabis Application for 4011-4013 Seventeen Mile Rd.
 - a. Battle Spring LLC D/B/A 3Fifteen Cannabis site plan application

- b. Battle Spring LLC D/B/A 3Fifteen Cannabis Special Land Use Application
- c. City Planner Report on Battle Spring LLC D/B/A 3Fifteen Cannabis
- d. Battle Spring LLC D/B/A 3Fifteen Cannabis public notice

Craig Owens made a motion to table until next meeting, Watson seconded that motion.

Voice Vote 8-0 Motion Carried.

11. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA.

- A. Correspondence
 - i.
- B. Staff Comments.
 - i. City Manager

Womack thanked Harrison Owens for his service on the Board and thanked Board for their hard work.

- ii. City Clerk

- C. Planning Commission Members.

No comments.

12. REPORT OF THE CITY COUNCIL REPRESENTATIVE.

Hall thanked everyone for hard work and thanked Harrison Owens

13. REPORT OF THE PLANNING CONSULTANT.

14. ADJOURNMENT.

Craig Owens made a motion to adjourn, Watson seconded that motion.

Voice Vote 7-0 Motion Carried.

Shandell Napieralski, Deputy City Clerk

Craig Owens, Chairperson