

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.

Brynadette Powell expressed concern with the proposed 100 ft setbacks for marihuana establishments. She also congratulated the newly appointed board members.

Rose Powell thanked Mr. Merlington for serving on the board. She was in support of the Front/Back Yard ordinance amendment. She reported that the DDA discussed the proposed 100 ft setback and they wanted to see more businesses. She also informed the board of an upcoming kettle corn fundraiser.

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

None.

8. SCHEDULED PUBLIC HEARINGS.

None.

9. OLD BUSINESS.

- A. White Pine Trails Final PUD site plan Approval
 - i. Transmittal
 - ii. Cover Letter Final PUD Site Plan
 - iii. Site Plan
 - iv. Master Deed
 - v. Storm Water Report
 - vi. Storm water Agreement
 - vii. City Planner Report

Motion by **Nixon** seconded by **Hogg** to approve of the Final PUD site plan for all phases based on the site plan prepared by Roosien and Associates dated January 8, 2021 subject to the following conditions:

1. Each phase of the project shall be subject to approval of the City Engineer.
2. The Master Deed shall be reviewed by the City Attorney.
3. Construction traffic shall not use Pioneer Trail.
4. One street tree will be planted for each lot with two trees for a corner lot.
5. Two site plan sets shall be signed and dated by the Secretary of the Planning Commission with one copy provided to the applicant and one retained by the City. An electronic version of the site plan shall also be provided.
6. All appeals shall have the ability to go to Zoning Board of Appeals through the normal process.

- B. Kkind Recreational (Adult-Use) Marihuana Retail Store at 206 and 218 N. Main St.
- i. Revised Site Plan
 - ii. Area Impact
 - iii. Customer Plan
 - iv. Security Plan
 - v. Garbage Plan
 - vi. City Planner Report

T. Johnson reviewed his report. **Womack** clarified that there was not an existing dumpster on the site as the site plan identified. **T. Johnson** reported that the dumpster enclosure needed to be moved from Pine Street. **Shaefer** remarked that some items have been revised and delivered to Mr. Johnson earlier that day. He clarified that the façade would be Storm Grey and trim would be Tricorn Black.

Motion by **Hogg** seconded by **Merlington** to approve the request from Kzoo Retailers for a Special Land Use permit to establish a marihuana retail establishment on property located at 206 and 218 North Main Street as the uses described in the application materials submitted and dated 01-26-21 and illustrated on the site plan dated 01 -26-21 prepared by the Architectural workshop, Inc. meet the Special Land Use approval standards contained in Section 40-571 of the Zoning Ordinance and the requirements of Section 40-575(g)(5) pertaining to marihuana retailer establishments.

Approval is granted subject to the following conditions:

1. ~~The Prequalification letter from LARA does meet the requirement of Article II Section 6 (c) of Ordinance 223.~~
2. Revise the sketch plan to comply with the items in the report by MainStreet Planning dated February 2, 2021.
3. The driveway into main street shall be 1 way and with signs and painted parking installed for one way traffic.
4. The applicant shall provide a marihuana delivery plan acceptable to the Zoning Administrator.
5. The six feet tall fence must be removed from the Pine Street front setback.
6. The van accessible striping is not allowed with in the 10 feet parking setback on Main Street.
7. All items illustrated on the site plan and all notes on the site plan are binding and shall be completed to the satisfaction of the Zoning Administrator before an occupancy permit is issued
8. The underground irrigation system is not required.
9. A lighting plan shall be submitted to the Zoning Administrator for final approval.
10. The Security Plan and delivery operations are subject to the approval of the Police Chief.
11. The stormwater drainage provisions are subject to the approval of the City Engineer.
12. The facade plan is subject to future approval by Planning Commission.
13. The marihuana retailer establishment shall be operated in accordance with the application materials dated 01-26-21 submitted by the applicant.
14. No occupancy permit shall be issued until all perm its required by City officials are received.

15. The applicant shall provide to the City Manager evidence that a license from the State of Michigan pursuant to the Michigan Regulation and Taxation of Marihuana Act has been issued to the applicant for the marihuana retailer establishment. These licenses shall be provided prior to occupancy of the building.
16. Two revised site plans shall be signed and dated by the Secretary of the Planning Commission with one copy provided to the applicant and one retained by the City. An electronic version of the site plan shall also be provided.
17. Dumpster enclosure shall meet the City's dumpster enclosure ordinance.

Voice Vote

2-5

MOTION FAILED.

Motion by **Hamel** seconded by **McGrath** to table the request until the failed items are addressed.

Voice Vote

7-0

Motion Carried.

- C. White Pine Provisioning Recreational (Adult-Use) Marihuana Retail Store and Class-C Grower at 4116 17 Mile Rd.
- i. White Pine Provisioning Application updated 1-22-2021
 - ii. Wider Drive Approach
 - iii. Sketch Plan without Aerial
 - iv. Sketch Plan with Aerial
 - v. Color Pages
 - vi. City Planner Report

Johnson reviewed his report. **Halverson** reported that they have a purchase agreement for a 10 acre lot that would create buffer between the single family home and the business. **Womack** reported that the expansion of the driveway was limited because of the well head on the site.

Motion by **Hamel** seconded by **Merlington** to approve the requests from Emily Elms for a Special Land Use permit to establish a marihuana retail establishment and a Special Land Use permit for a marihuana grower establishment Class C license on property located at 4116 17 Mile Road as the uses described in the application materials dated 11-21-20 and illustrated on the site plan dated 01-21-21 meet Special Land Use approval standards contained in Section 40-571 of the Zoning Ordinance and the requirements of Section 40-575(g)(2) pertaining to marihuana growers and the requirements of Section 40-575(g)(S) pertaining to marihuana retailer establishments.

Approval is granted subject to the following conditions:

- ~~1. The Prequalification letter from LARA meets the requirement of Article II Section 6 (c) of Ordinance 223.~~
2. Revise the sketch plan to comply with the items 3 (a) and (b) in the Planner's report dated February 2, 2021.
3. All items illustrated on the site plan and all notes on the site plan are binding and shall be completed to the satisfaction of the Zoning Administrator before an occupancy permit is issued
4. The underground irrigation system needs be repaired.
5. A lighting plan shall be submitted to the Zoning Administrator for final approval.

6. The Security Plan and delivery operations are subject to the approval of the Police Chief.
7. The stormwater drainage provisions are subject to the approval of the City Engineer.
8. The façade plan presented at the meeting is acceptable.
9. The marihuana retailer establishment and the marihuana grower establishment shall be operated in accordance with the application materials dated 11-21-20 submitted by the applicant. These materials shall be revised to remove the reference to "Provisioning Center and Class Cultivation"
10. No occupancy permit shall be issued until all permits required by City officials are received.
11. The applicant shall provide to the City Manager evidence that a license from the State of Michigan pursuant to the Michigan Regulation and Taxation of Marihuana Act has been issued to the applicant for the marihuana retailer establishment and the marihuana grower establishment. These licenses shall be provided prior to occupancy of the building.
12. Two revised site plans shall be signed and dated by the Secretary of the Planning Commission with one copy provided to the applicant and one retained by the City. An electronic version of the site plan shall also be provided.
13. Applicant must submit sufficient proof of an approved land split either by the city of the township that would separate their property from the residential property.

Voice Vote

6-1

Motion Carried.

- D. Motion to recommend the **approval** or **denial** to the City Council for the amendment of Ordinance Chapter 40, Article III, Division 13, Section 40-409 Entitled "Commercial And Industrial Side And Rear Setback Reductions" Of The Code Of Ordinances For The City Of Cedar Springs.
- i. City Planner Report

Johnson reviewed his report and offered a different approach. **Hall** asked what the ordinance amendment was trying to fix. **Womack** reported that the goal was to be more business friendly while keeping the front set back unchanged it should not drastically change the look of the city.

- E. Ordinance To Amend Chapter 40, Article 1, Section 40-6 Entitled "Definitions – N – Z;" Chapter 40, Article IV, Section 40-468 Entitled "Marihuana Establishments And Facilities;" Chapter 40, Article VIII, Section 40-575, Paragraph (G) Entitled "Marihuana Establishments" Of The Code Of Ordinances For The City Of Cedar Springs
- i. 100 Ft Map

McGrath would like council to address the issue and then have Planning Commission discuss.

- F. Walls and Fences Ordinance
- i. City Manager Memo

Womack would like the board to review the ordinance and bring back comments to future meetings.

10. NEW BUSINESS.

None.

11. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA.

A. Correspondence

- i. Public Comment from The Hawks Nest

B. Staff Comments.

- i. City Manager thanked the board members for their service.
- ii. City Clerk apologized for the technical issues for the meeting. As trainings become available please keep an eye on emails

C. Planning Commission Members.

Conley thanked Mr. Merlington and thanked all who have volunteered for the Planning Commission.

12. REPORT OF THE CITY COUNCIL REPRESENTATIVE.

Hall welcomed the Planning Commission members. We are not going to make everyone happy, but we need to be making choices for what is best for the community.

13. REPORT OF THE PLANNING CONSULTANT.

None.

14. ADJOURNMENT.

Conley adjourned the meeting at 9:03pm.

Rebecca Johnson, City Clerk

Clint Conley, Chairperson