



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.*

**Laurie Fisk** opposed the marihuana shop at 40 Main. She remarked that she has young teenagers in her home and would rather see marihuana shops be located near the highway and not in the downtown area near residential areas.

**Rahnda Bordeaux** expressed concern with the proposed foster care because the previous daycare had issues with lack of supervision and lack of awareness of the neighborhood around them.

**Mr. Nixon arrived at 7:08pm**

**Joshua Covert** requested permission for a special meeting for the consideration of 612 Ventures proposed marihuana dispensary.

**Kathryn Bremmer** had a letter read during public comments. She expressed concern with the proposed marihuana businesses. She suggested a 1-2 blocks separation in the downtown area. She wants to keep the area a quaint town as described in the master plan.

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

None.

8. SCHEDULED PUBLIC HEARINGS.

A. A Special Land Use For The Property Owner At 270 West NE Cedar Springs, MI 49319, Parcel Number 41-02-36-205-002, Requests A Special Land Use For An Adult Foster Care/Large Group/Senior Care Home (13-20 Adults) In The R1 Zoning District. This Type Of Use Is Allowed In The District By The Way Of A Special Land Use. The Planning Commission Would Need To Grant A Special Land Use For This Purpose.

**Conley** opened the public hearing at 7:17pm.

Public Comments: **Rose Powell** is in favor of the facility as long as they meet all of the state requirements because the community needs this type of service.

**Conley** closed the public hearing at 7:20pm.

B. A Special Land Use For RK Agricultural Enterprises, LLC D/B/A Michiganja, At 40 N. Main Street Cedar Springs, MI 49319: The Applicant Is Seeking Special Land Use Approval For A Recreational (Adult-Use) Marihuana Retail Store. The Property Is Zoned B-2, The Applicant Requests Special Land Use Approval In That District. Special Land Uses Require Approval From The Planning Commission For This Request. The Parcel Number Is 41-03-30-312-002.

**Conley** opened the public hearing at 7:20pm.

Public Comments: **Joe Lucas** remarked that he is the applicant for Michiganja and that he is available for any questions.

**Conley** closed the public hearing at 7:21pm.

- C. An 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.

**Conley** opened the public hearing at 7:21pm.

Public Comments: None

**Conley** closed the public hearing at 7:22pm.

- D. Special Land Use For Camilla Rae Teusink, At 39 West Beech Street Cedar Springs, MI 49319: The Applicant Is Seeking Special Land Use Approval For A Residential use that does not have Main Street frontage. The Property Is Zoned B-2, The Applicant Requests Special Land Use Approval In That District. Special Land Uses Require Approval From The Planning Commission For This Request. The Parcel Number Is 41-02-25-481-011.

**Conley** opened the public hearing at 7:22pm.

Public Comments: **Rose Powell** was ins support of the approval of the proposed special land use.

**Conley** closed the public hearing at 7:23pm.

## 9. OLD BUSINESS.

- A. Kkind Recreational (Adult-Use) Marihuana Retail Store at 206 and 218 N. Main St.-3<sup>rd</sup> Review

- a) Kkind Site Plan 02-15-21
- b) City Planner Report 02-11-21
- c) City Planner Report 02-22-21
- d) City Engineer Report 02-19-21

**T. Johnson** reviewed his report. **Ron Shaefer** reported that he has corrected the site plan since the last meeting. **Womack** reviewed the project and noted that the storm water calculations were not complete, the customer outdoor seating has been removed, parking signs should be revised to "Do Not Enter", and noted that they proposed to do marihuana delivery through the front door. **Conley** remarked that the revisions comply with the zoning ordinance.

Motion by **Conley** 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 , the marihuana delivery plan submitted on 2-17-21 and the site plan set dated 02-17-21 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. Revise the plans to comply with the Items 7, 8 and 10 of this report and remove asphalt parking spaces #1 and #8 and to replace that area with appropriate landscaping and revised wording on parking signs.
2. The facade plan dated 02-17-21 is acceptable.
3. The underground irrigation system is not required.
4. A lighting plan shall be submitted to the Zoning Administrator for final approval.
5. 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
6. The Security Plan and marihuana 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 marihuana retailer establishment shall be operated in accordance with the application materials dated 01- 26-21 and the marihuana delivery plan should be dated on 02-17-21 by the applicant.
9. No occupancy permit shall be issued until all permits required by City officials are received.
10. 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.
11. 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.

**Voice Vote**

**6-0**

**Motion Carried.**

- B. An 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.

**Womack** explained that the City Council has changed the moratorium requirements for this marihuana businesses.

Motion by **Hamel** seconded by **Merlington** to remove the ordinance to amend Chapter 40, Article 1, Section 40-6 from the agenda.

**Voice Vote**

**6-0**

**Motion Carried.**

10. NEW BUSINESS.

- A. 39 West Beech Street Cedar Springs, MI Special Land Use

**Womack** reviewed the special land use request.

Motion by **Conley** seconded by **Merlington** to grant the Special Land use for 39 W Beech.

- B. RK Agricultural Enterprises, LLC D/B/A Michiganja, At 40 N. Main Street Cedar Springs, MI 49319 Recreational (Adult-Use) Marihuana Retail Store.-First Review
- a. City Planner Report

Motion by **Conley** seconded by **Merlington** to approve the request from RK Agricultural Enterprises, LLC for a Special Land Use permit to establish a marihuana retail establishment on property located at 40 North Main Street being Parcel # 41-03-30- 312-002 as the use described in the application materials from RK Agricultural Enterprises, LLC entitled Cedar Springs Recreational Adult-Use Marihuana Establishment Application received by the City on 12-01-20 and illustrated on the site plan dated 02-09-21 and floor plan dated 11-27-20 both prepared by Michael Belt, RA, NCARB and reviewed by the Commission on March 2, 2021 meets 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 retailers .

Approval is granted subject to the following conditions:

1. Revise the sketch plan and floor plan to comply with the items in this report as determined by the Planning Commission. Submission of a photometric plan is subject to the approval of the Zoning Administrator and submission of the required affidavits regarding ownership of the property.
2. All items illustrated on the site plan, floor plan and all notes on the plans are binding and shall be completed to the satisfaction of the Zoning Administrator before an occupancy permit is issued.
3. The Security Plan and delivery operations are subject to the approval of the Police Chief.
4. The facade plan prepared by Michael Belt, RA, NCARB dated 11-10-20 and described in the Blight Elimination Plan submitted by the applicant is acceptable.
5. The marihuana retailer shall be operated in accordance with the application materials entitled Cedar Springs Recreational Adult-Use Marihuana Establishment Application received by the City on 12-01-20 from RK Agricultural Enterprises, LLC.
6. The second floor of the building shall not be used for residential purposes but only for storage and offices related to the marihuana retail establishment.
7. No occupancy permit shall be issued until all permits required by City officials are received.
8. 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. This license shall be provided prior to occupancy of the building.
9. 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.

- C. 270 West NE Cedar Springs, MI 49319 Special Land Use

**Womack** reviewed the project. **Joshua Schaub** made a short presentation on the proposed use of the property. He stated that they plan to do extensive interior renovations, sprinkler systems, security systems, painting the exterior, repaint the exterior and install a new fence. He reported that the residents for the facility have age restrictive issues and will not have severe mental illness or violence issues. **Hamel** clarified that the commission is only determining if an AFC home is a permissible use at the identified location not if the AFC will be meeting or exceeding state standards.

Motion by **Hogg** seconded by **Hamel** to approve the special land use for the proposed AFC home with 13-20 patients at 270 West Street as the project meets the Special Land Use Standards in Section 40- 571 conditional approval subject to submitting an accurate sketch plan to the City Manager for final approval to show items related to the improvements to the outside of the building, removal of the sign, restriping the parking spaces, and providing a landscaping, dumpster enclosure locations, lighting, and it shall be operated in ordinance with the narrative as submitted.

**Voice Vote**

**5-1(McGrath)**

**Motion Carried.**

- D. Discussion on modifying Sec. 40-408 to reduce setbacks
  - a. Sec. 40-408
  - b. City Planner Memo

**Womack** reported that the reason this is bring brought to the council so because there are several out lots on 17 Mile Rd that could benefit from reduced setbacks. The current 40ft setback can severely hinder the use of the out lots in the HC district. He suggested a 20 ft set back not 25ft. He will bring a proposed ordinance back for consideration. **T. Johnson** remarked that he used other surrounding communities as a comparison for his suggestions. **Conley** stated that he wanted to make a decision on what was best for the city not what was best for developers. He agreed with Mr. Johnson that 20ft is not large enough for a large truck to get behind the building.

612 Ventures Special Meeting

The commission had a consensus that they could not schedule a special meeting because they could not guarantee that there would be enough members present for a quorum.

11. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA.

- A. Correspondence
  - i. 2020 Planning Commission Minute Index
  - ii. 2020 Planning Commission Attendance Report
- B. Staff Comments.
  - i.City Manager thanked everyone for their hard work.
  - ii.City Clerk
- C. Planning Commission Members.

**Nixon** was glad that the audio was working properly.  
**Conley** thanked everyone for sticking through the long meeting.

12. REPORT OF THE CITY COUNCIL REPRESENTATIVE.

None.

13. REPORT OF THE PLANNING CONSULTANT.

**T. Johnson** appreciated everyone for their attention to detail and taking their job seriously.

14. ADJOURNMENT.

**Conley** adjourned the meeting at 9:40pm.

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Rebecca Johnson, City Clerk

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Clint Conley, Chairperson