



**Cedar Springs Planning Commission Meeting**

**MINUTES**

**Tuesday, July 06, 2021**

**7:00 p.m.**

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

1. **Conley** called the meeting to order at 7:01. The Pledge of Allegiance was recited.

2. ROLL CALL:

Mr. Jerry Hall	<u>Present</u>
Ms. Ashley Hamel	<u>Present</u>
Mr. Matthew Hogg	<del>Absent</del> <u>Excused</u>
Mr. Jason Merlington	<u>Present</u>
Mr. Daniel McGrath	<u>Excused</u>
Mr. John Nixon, Vice Chairperson	<u>Present</u>
Mr. Clint Conley, Chairperson	<u>Present</u>

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

Michael Womack (City Manager), Tim Johnson (City Planner), and Rebecca Johnson (City Clerk).

4. Motion to approve the minutes of the Regular Meeting June 1, 2021.

Motion by **Hamel** seconded by **Hall** to approve the Minutes of the Regular Meeting June 1, 2021 as submitted.

**Voice Vote**

**5-0**

**Motion Carried.**

5. APPROVAL OF AGENDA.

Motion by **Conley** seconded by **Hall** to approve the agenda with the following amendments: move item 9C to 10D and 9D to 10E.

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. Public Hearing For A Special Land Use For GRAPIDS 17 LLC., 4173 17 Mile Rd Cedar Springs, MI 49319: The applicant is seeking special land use approval for a drive-through business. Parcel 41-02-25-300-052 is zoned H-C (Highway Commercial District), the applicant requests a Special Land Use approval in that district for a drive-through business.

**Conley** opened the public hearing at 7:09pm.

Public Comment:

**Melanie Hart** reported that she was representing the applicant and could answer any questions.

**Randy Baker** asked clarification in regards to what kind of drive through is proposed.

**Conley** closed the public hearing at 7:14pm.

- B. Public Hearing For A Special Land Use For Thomas Mabie D/B/A Van Cannabis LLC, 10 S 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. The Parcel Number Is 41-03-30-351-034.

**Conley** opened the public hearing at 7:15pm.

Public Comment: None.

**Conley** closed the public hearing at 7:16pm

9. OLD BUSINESS.

- A. Site Plan review for JFJ Cedar Springs Properties LLC Retail Project at 4186 17 Mile Rd.
  - a. 4186 17 Mile Rd Corrections Response Letter
  - b. June 24<sup>th</sup>, 2021 4186 17 Mile Rd Site Plan
  - c. 4186 17 Mile Rd Exterior Finish Elevations
  - d. 4186 17 Mile Rd Photometric Plan
    - i. McGraw Edison Wall Mount Luminaire
  - e. City Planner June 1<sup>st</sup> report (old report)

**Womack** reviewed his notes on the project and noted that the City Planner did not review the revisions since the last meeting. He remarked the need for a road and utility easements. **Jeff Halverson** reported that he will work to comply with all the Planning Commission requirements.

Motion by **Conley** seconded by **Hall** to approve the site plan set submitted by JFJ Cedar Springs Properties and prepared by Roosien and Associates dated June 24, 2021 to construct a 2400 sq. ft. commercial building and to create a new parcel as legally described on the site plan for construction of the building as the project meets the applicable requirements of the HC Zoning District, the site plan approval standards of Section 40-51 and the criteria of Section 40-440 of the Cedar Springs Zoning Ordinance to create a new lot without public or private street frontage

Approval is subject to the following:

1. Approval of the annexation request according to the requirements of the 425 Agreement between the City of Cedar Springs and Solon Township.
2. Approval by the Fire Chief regarding emergency vehicle access to the new lot and the need for a fire hydrant to serve the proposed building for the first plan presented.
3. Safety measures to regulate vehicle speed through the parking lot of the parcel at 4116 17 Mile Road as may be required by the Planning Commission.
4. The access easement through the parking lot of the property at 4116 17 Mile Road shall be recorded with the Kent County Register of Deeds and a copy provided to the City Manager before a building permit is issued.
5. The building facade plan prepared by Designs dated 5-3-21 is acceptable.
6. If more parking spaces than shown on the approved site plan are required by the Zoning Ordinance for an actual user of the commercial building, the additional required parking spaces shall be provided before an occupancy permit is issued by the City. Zoning Administrator must provide final approval of the parking plan and the Fire Chief must approve of the parking plan. The applicant must provide a written agreement between the two parcels that will share parking spaces.
7. Approval by the City Engineer.
8. The site plan shall be revised per Items 1-3 of the report by MainStreet Planning dated June 1, 2021.
9. Lighting plan is conditionally approved but must receive final approval by the Zoning Administrator.
10. A Utility easement must be provided though the 4116 property to the 4186 property.
11. That the corrections response letter of July 6<sup>th</sup>, 2021 is incorporated by reference into the project approval (Due to the Cityscape color being provided in that letter).
12. that the site plans completed by Roosien dated as revised June 24<sup>th</sup> are approved with the required changes listed today.

13. The revised site plans shall be submitted to the Zoning Administrator for final review and approval. 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**

**5-0**

**Motion Carried.**

- B. Site Plan Review and Special Land Use Of Lake Life Farms Inc., For A Recreational (Adult-Use) Marihuana Retail Store And A Recreational (Adult-Use) Marihuana Processor Located At 4116 17 Mile Rd Cedar Springs, MI 49319
- a. "May 3<sup>rd</sup>, 2021" Updated Sketch Plan with Aerial
  - b. Lake Life Farms Application Packet (with original May 3<sup>rd</sup> sketch plan)
  - c. June 1<sup>st</sup>, 2021 City Planner Report

**Womack** reviewed his notes on the project and noted that the City Planner did not provide a revised report. **David Kotler** reported that the pickup window has been withdrawn, the mislabeling will be revised, and reported that the painted islands are preferred over the parking islands.

Motion by **Conley** seconded by **Hamel** to approve the requests from Lake Life Farms, LLC for a Special Land Use permit to establish a marihuana retail establishment and a Special Land Use permit for a marihuana processor establishment on property located at 4116 17 Mile Road as the uses described in the application materials and illustrated on the site plan set dated 05-03-21 meet the Special Land Use approval standards contained in Section 40-571 of the Zoning Ordinance and the requirements of Section 40-575(g)( 4) pertaining to marihuana processors and the requirements of Section 40-575(g)(5) pertaining to marihuana retailer establishments. Approval is granted subject to the following conditions:

1. Approval of this Special land Use Permit is conditioned upon approval by the Planning Commission of the site plan dated June 24, 2021 submitted by JFJ Cedar Springs Properties and conditionally approved by the Commission on July 6, 2021, approval conditioned of the lot split request by JFJ Cedar Springs Properties to create the lot illustrated on the site plan and approval of the request by JFJ Cedar Springs Properties to annex this property into the City of Cedar Springs from Solon Township.
2. Parking lot layout for this site plan must match the site plan approval for the JFJ property.
3. Revise the sketch plan to comply with items 1 (a), (b), (c), and (d), in the Planners report dated June 1, 2021 and revise the floor plan per page 5 of the Planners report.
3. The site plan shall be revised to illustrate pavement markings in the southern portion of the parking lot. Subject to final approval by the Zoning Administrator.
4. The underground irrigation system must be repaired so it is functional.
5. A lighting plan shall be submitted to the Zoning Administrator for final approval.
6. The application materials shall be revised to provide an ADA Plan and to address the items on pages 4 and 5 of the Planners report dated June 1, 2021. The revisions may be submitted in a separate document labeled "Revisions to the Application Materials for Lake Life Farms Approved by the Cedar Springs Planning Commission June 1, 2021."
7. The stormwater drainage provisions are subject to the approval of the City Engineer.

8. The facade plan is acceptable.

Note: Conditions 9-14 are required for all marihuana establishments.

9. The Security Plan is subject to the approval of the Police Chief.
10. 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
11. The marihuana retailer establishment and the marihuana processor establishment shall be operated in accordance with the application materials submitted by the applicant as revised by the Planning Commission.
12. No occupancy permit shall be issued until all permits required by City officials are received .
13. 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 processor establishment. These licenses shall be provided prior to occupancy of the building.
14. The revised plans shall be returned to the Zoning Administrator for final review and approval. 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.
15. Dumpster shall be revised with to comply with the Dumpster ordinance.

**Voice Vote**

**5-0**

**Motion Carried.**

~~C. Ordinance amendment to Chapter 40, Section IV, Division 2 to modify Sec. 40-446 Walls and Fences~~

~~D. White Pine Trail Overlay Zone~~

~~a. May 11<sup>th</sup>, 2021 City Planner memo~~

~~b. Draft Ordinance Amendment of Chapter 40, Article III Division 12, of the Code of Ordinances for the City of Cedar Springs to Add Sections 40-390-395 entitled "White Pine Trail Overlay Zone"~~

#### 10. NEW BUSINESS.

- A. Special Land Use For GRAPIDS 17 LLC., 4173 17 Mile Rd Cedar Springs, Mi 49319
  - a. 4173 17 Mile Rd Site Plan Application
  - b. 4173 Full Site Plan
  - c. July 6<sup>th</sup>, 2021 City Planner Report for 4173 17 Mile Rd
  - d. 4173 Concept Plan
  - e. June 4<sup>th</sup>, 2021 City Planner Report for 4173 17 Mile Rd

**Johnson** reviewed his report. **Nixon** expressed several concerns with the proposed plan including drive up window traffic flow and ensuring enough space for deliveries. **Melanie Hart** on behalf of the applicant explained the limited need for parking due to the nature of the business. She reported that the other two or three tenants would be proposed in the future. **Johnson** remarked the need for a left turn only and striping in the parking lot. **Mike Murray** suggested that post COVID 70-80% of orders are pre orders for pick up similar to

Pizza Hut in Rockford. **Womack** expressed the need to establish an offsite parking agreement with the neighboring businesses to address the parking shortage. **Merlington** expressed concern with the drive through cars blocking the entrance/ADA parking spaces and wrapping around the building during busy times. **Nixon** reported that the plans that were presented did not match.

Motion by **Hall** seconded by **Merlington** to table Special Land Use For GRAPIDS 17 LLC., 4173 17 Mile Rd Cedar Springs, Mi 49319 until next month.

**Voice Vote**

**5-0**

**Motion Carried.**

- B. Special Land Use For Thomas Mabie D/B/A Van Cannabis LLC, 10 S Main Street Cedar Springs, MI 49319: The Applicant Is Seeking Special Land Use Approval For A Recreational (Adult-Use) Marihuana Retail Store
- a. July 6<sup>th</sup>, 2021 City Planner Report for 10 S. Main St.

**Johnson** reviewed his report. **Kaitlin Sheets** reported that they are working on executing an easement with a neighbor and will work with delivery location and time to comply with MRA and the City of Cedar Springs. **Randy Baker** reported that tenants and businesses begin opening at 9am and it starts to get congested around that time.

Motion by **Conley** seconded by **Hall** to approve the request from Van Cannabis, LLC for a Special Land Use permit to establish a marihuana retail establishment on property located at 10 South Main Street being Parcel # 41-03-30-351-034 as the use described in the application materials from Van Cannabis, LLC entitled Recreational Adult-Use Marihuana Establishment Application and dated June 10, 2021 and illustrated on the site plan dated 06-04-21 sealed by Architect Bradford Potter of Newco Design and Build and reviewed by the Commission on July 6, 2021 meets 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 to illustrate any proposed or existing exterior building lights and the type of fixture. Any such lights are subject to the approval of the Zoning Administrator .
2. The delivery of marihuana products shall comply with LARA rules that require camera surveillance at all times. If deliveries are approved at the rear door of the property at 10 South Main Street the applicant must obtain an easement from the adjoining property owner to cross their property from the public alley. A copy of the easement shall be provided to the Zoning Administrator before an occupancy permit is issued. If such easement is not obtained then delivery of marihuana products may be through the front door provided delivery occurs before 8:00 AM and is under camera surveillance at all times.
3. The facade plan prepared by Architect Bradford Potter of Newco Design and Build and noted on Sheet A-2.1 is acceptable.

Note: Conditions 4-9 are required for all marihuana establishments.

4. 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.
5. The Security Plan and delivery operations are subject to the approval of the Police Chief.

6. The marihuana retailer shall be operated in accordance with the application materials entitled Recreational Adult-Use Marihuana Establishment Application and dated June 10, 2021 as submitted by Van Cannabis, LLC.
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. The revised plans, if necessary , shall be returned to the Zoning Administrator for final review and approval. The 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**   **5-0**   **Motion Carried.**

C. Motion to approve of the Initial Review Policy

**Womack** reviewed the proposed policy and explained that these policies generally are not favorable to applicants. **Nixon** reported that the policy would help the board. **Hamel** was in favor of the policy because there have been several projects that have been presented that have had several items that would be resolved prior to the presented to the board.

Motion by **Hamel** seconded by **Merlington** to approve of the Initial Review Policy and to permit the City Manager to pass along any project at his best judgement.

**Voice Vote**   **5-0**   **Motion Carried.**

D. Ordinance amendment to Chapter 40, Section IV. Division 2 to modify Sec. 40-446 Walls and Fences

Motion by **Hamel** seconded by **Nixon** to table Ordinance amendment to Chapter 40, Section IV. Division 2 to modify Sec. 40-446 Walls and Fences until the next meeting.

**Voice Vote**   **5-0**   **Motion Carried.**

E. White Pine Trail Overlay Zone

- a. May 11<sup>th</sup>, 2021 City Planner memo
- b. Draft Ordinance Amendment of Chapter 40, Article III Division 12, of the Code of Ordinances for the City of Cedar Springs to Add Sections 40-390 -395 entitled "White Pine Trail Overlay Zone"

Motion by **Hamel** seconded by **Merlington** to table White Pine Trail Overlay Zone until the next meeting.

**Voice Vote**   **5-0**   **Motion Carried.**

11. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA.

A. Correspondence

- i. 2001 425 Agreement Area Master Development Plan
- ii. 206 and 218 N. Main Street Kzoo Retailers LLC Engineering Review
- iii. City of Newaygo caregiver marijuana ordinance
- iv. Revised Meeting 2021 Calendar (Zoom meeting credentials)
- v. Minor Site Plan modification Michiganja Marijuana Retailer 40 N. Main St., Cedar Springs MI

B. Staff Comments.

- i. City Manager wished everyone a Happy 4<sup>th</sup> of July.
- ii. City Clerk

C. Planning Commission Members.

**Hamel** wished Conley a happy birthday.

12. REPORT OF THE CITY COUNCIL REPRESENTATIVE.

**Hall** wanted to free up Mr. Womack with the passage of the intimal review policy. He wants to be business friendly, but also wants to hold the developers responsible. He reported that he was happy to see everyone and thanked them for sticking through the meeting.

13. REPORT OF THE PLANNING CONSULTANT.

None.

14. ADJOURNMENT.

**Conley** adjourned the meeting at 9:31pm.

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Rebecca Johnson, City Clerk

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Clint Conley, Chairperson