

**VILLAGE OF SPARTA
PLANNING COMMISSION
Regular Meeting
November 6, 2023 @ 7:00 PM
75 N. Union St. (Sparta Civic Center)**

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) MINUTES
 - a. *Approve Regular Planning Commission Meeting Minutes of October 2, 2023*
- 4) ADDITIONS OR CORRECTIONS TO THE AGENDA – APPROVAL OF AGENDA
- 5) PUBLIC COMMENT ON AGENDA ITEMS
- 6) COMMUNICATIONS –
- 7) PUBLIC HEARING –
 - a. 25 Ida Red Special Land Use Permit Application Hearing
- 8) NEW BUSINESS –
 - a. 25 Ida Red Special Land Use Permit Application
- 9) UNFINISHED BUSINESS –
 - a. None.
- 10) PUBLIC COMMENT
- 11) VILLAGE MANAGER REPORT
- 12) COMMISSION COMMENT
- 13) ADJOURNMENT

**VILLAGE OF SPARTA
PLANNING COMMISSION**

Regular Meeting

October 2, 2023 7pm.

75 N. Union St. (Sparta Civic Center)

Present: Chairman Bob Liscombe, Commission members Jon Braybrook, Emilie Henry, Rose Frederick, Christina Owens, Gary Moody, and Robert Whalen.

Also present: Village Manager Jim Lower and Village Clerk Katy Shelton.

1. **Call to Order:** The meeting was called to order at 7:00pm. The Pledge of Allegiance was recited.
2. **Roll Call:** Formal roll call was taken. Those in attendance/absent are noted above.
3. **Minutes:** Approve Regular Planning Commission minutes of August 7, 2023. Motion by Whalen with a second by Frederick to approve. Motion passed unanimously.
4. **Additions or Corrections to the agenda – Approval of agenda:** There was a correction on which committee member seconded a motion at the August 7th meeting as well as one spelling error. Motion by Whalen with a second by Frederick to approve pending those corrections. Motion passed unanimously.
5. **Public Comment on Agenda Items:**
 - a. None.

6. Communications: None.

7. Public Hearing: None.

8. New business:

a. Site Plan Review: Kent ISD: Simon Brandon and Tom Frey from Progressive A&E were present at the meeting to discuss the plan and answer questions. Progressive A&E was hired by Kent ISD to put together a site plan and work it through the Village processes. The Village submitted the plan to their engineering firm Prein & Newhof for review. Kent ISD has been working with the Village and Prein & Newhof to bring their design into compliance with all Village standards and ordinances. At this time, all issues have been resolved, and the site plan meets all Village standards. The proposed site plan primarily centers around a redesign of the parking lot and drainage at the former White Early Childcare Center. Once complete, the building and grounds will serve as a hub for Kent ISD to provide training and education to students (primarily adults) with special needs. Motion by Moody with a second by Frederick to approve this site plan. Motion passed unanimously.

9. Unfinished business: None.

10. Public Comment: None.

11. Village Manager's Report: Village Manager Lower reported that Code Enforcement Officer Deb has been out

on sick leave. Starting tomorrow, she will be back on limited duty ten hours a week (as opposed to her regular 20 hours a week.) He also said that Bill Hunter, the new DPW Director, started today. He will manage both the DPW and the water department. Ken Brown will be in charge of the labor component and will start next Monday. He noted that Randy Carter has retired. He also said that the work at Balyeat Field, behind the Village offices, and across from Angela's restaurant should be completed by the end of October.

12. **Commission comment:** Gary Moody asked about using the phrase "Village of Sparta" versus "Sparta Village" and if there were any legal ramifications as to the wording. Jon Braybrook said that traffic on Maple street is very high even though signs delineating truck routes have been installed.
13. **Adjournment:** The meeting was adjourned by Chairman Liscombe at 7:14pm.

Submitted by Katy Shelton, Village Clerk.

MEMO



To: Planning Commission Members
From: James Lower, Village Manager
Date: November 6, 2023
RE: Special Land Use Request -25 Ida Red

The Village has received a special land use request for 25 Ida Red Unit 42 from Baria Brothers, LLC to operate an adult use Marijuana Retail Facility.

The Village has specific requirements in our ordinance related to the specific special land use being requested, but also a set of general standards that need to be met before an approval can be recommended to the Village Council from the Planning Commission.

Specific Requirements per Zoning Ordinance:

Recreational marihuana retailers.

- (1) All recreational marihuana retailers must be equipped with an activated carbon filtration system or other similar filtration system to ensure that there is no detectable odor of marihuana or other odor related to the operation of the recreational marihuana retailer outside of the recreational marihuana retailer.

Staff Responses: Baria Brothers, LCC has acknowledge they will comply with this requirement.

- (2) Any detectable odor of marihuana or any other odor related to the operation of the recreational marihuana retailer outside of the recreational marihuana retailer is prohibited. The standard for detectable odor will be that of an individual with normal olfactory capabilities.

Staff Responses: Baria Brothers, LCC has acknowledge they will comply with this requirement.

- (3) Retail sales between the hours of 10 p.m. and 8 a.m. are prohibited.

Staff Responses: Baria Brothers, LCC has acknowledge they will comply with this requirement.

- (4) The lot where a recreational marihuana retailer is located may not be within 1,000 feet of a lot where a public or private school providing education in preschool, kindergarten, or any of grades 1 through 12 is located. Distance is measured as the shortest straight-line distance between lots.

Staff Responses: the proposed commercial unit meets this requirement.

- (5) The lot where a recreational marihuana retailer is located may not be within 500 feet of any public park. Distance is measured as the shortest straight-line distance between lots. The requirements of this paragraph do not apply to the Village of Sparta Dog Park and the Village of Sparta Rogue River Park.

Staff Responses: the proposed commercial unit meets this requirement.

- (6) The lot where a recreational marihuana retailer is located may not be within 50 feet of any property zoned R-1 Single Family Residential, R-2 Single Family Residential, R-3 Single and Two Family Residential, R-4 Single, Two Family, and Multiple Family, PD Planned Unit Development, or BD Central Business. Distance is measured as the shortest straight-line distance between lots.

Staff Responses: the proposed commercial unit meets this requirement.

General standards Per Zoning Ordinance:

The general standards are basic to all special land uses; and the specific requirements of sections 82-386 and 82-387 are in addition to and shall be required in all applicable situations. The following general standards must be met before approval may be granted:

- (1) The proposed use shall comply with the general objectives and land use policies contained in the Village of Sparta Master Plan.

Staff Response: This request will fit in with the Master Plan general objectives and land use policies because the property will be a commercial business located in a general commercial zoning district. It also meets the safety and general welfare requirements of the ordinance because it is meeting all of the ordinance requirements for this special land use.

- (2) The proposed use shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing character of the general vicinity.

Staff Response: The location is in a preexisting strip mall end unit. So, this requirement is easily satisfied by the applicant.

- (3) The proposed use is served by necessary public facilities that are adequate or can be made adequate to serve the proposed use. Specifically, existing streets, storm water drainage, water supply, fire protection, police, emergency medical care, sanitary sewer disposal, solid waste disposal, and public recreation shall be adequate to serve the proposed project.

Staff Response: The site meets these requirements as its and existing commercial suite.

- (4) The proposed use shall not be hazardous or disturbing to neighboring uses or cause any conflict to the existing use and quiet enjoyment of surrounding property.

Staff Response: The use will fit in nicely with the area as it is a commercial use in a commercial suite in a commercial building.

- (5) The proposed use shall not involve activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare or odors.

Staff Response: These requirements are met by Baria Brothers LLC following our state and local licensing requirements.

- (6) The proposed use shall be consistent with the intent and purpose of this chapter.

Staff Response: This type of use is consistent with the purpose and intent of the Special Land Use chapter too allow for flexibility in land uses but maintaining security, safety and general welfare of the Village.

Having completed the review based on the requirements listed above the Village Staff recommends approval of this Special Land Use request to operate an adult use marijuana retail facility.

Requested Action: A motion to Recommend to the Sparta Village Council the Approval of the Special Land Use Request from “Baria Brothers LLC” to operate an adult use marijuana retail facility in the General Commercial Zoning District on the parcel commonly addressed 25 Ida Red Unit 42 because it meets the requirements of an approvable Special Land Use.

SLU and Marijuana Business **Application Forms**

**PROPOSED ADULT-USE MARIJUANA
RETAILER
BARIA BROTHERS, LLC**

25 Ida Red Avenue, Unit 42
Sparta, Michigan



VILLAGE OF SPARTA PLANNING COMMISSION APPLICATION



Visit our website at www.spartami.org

<input type="checkbox"/> Rezoning: From _____ to _____	<input type="checkbox"/> Zoning Ordinance Amendment
<input checked="" type="checkbox"/> Special Land Use Permit: Specify Use: <u>Adult-Use Marijuana Retailer</u>	<input type="checkbox"/> Site Plan Review

Applicant Name: Baria Brothers, LLC

Street Address: 4312 E Grand River Avenue

City: Howell **State:** MI **Zipcode:** 48843

Phone Number(s): 517-546-1181 **E-mail:** jackie@pollicella.net; griffin.cole@pollicella.net

- I hereby attest that all information on this application is, to the best of my knowledge, true and accurate.
- Additionally, I hereby grant permission for the Village of Sparta Zoning Administrator to enter upon the above mentioned property (or as described in the attachment) for the purposes of gathering information related to this application.
- Furthermore, I hereby acknowledge that in review of this application, the Village of Sparta may require the services of the Village Planner, Village Engineer, and/or the Village Attorney to insure that the requested item(s) for review in this application is compliant to the current zoning laws and policies of the Village of Sparta. I, as the applicant, acknowledge that any costs incurred by the Village of Sparta as they relate to the review of this application by any of the Village's consultants listed above are my responsibility to reimburse and agree to repay the Village of Sparta for any and all costs incurred to it in the review of this application.

Signature: _____ **Date:** _____

Applicant is the: Owner Lessee Optionee Contractor/Architect

Property Owner's Name (if different from applicant): Digger Land Holdings, LLC

Street Address: 55 Campau Ave Nw, Suite 300

City: Grand Rapids **State:** MI **Zipcode:** 49503

Phone Number(s): _____ **E-mail:** cory@manzanallc.com

Signature: _____ **Date:** _____

Project Location or Address: 25 Ida Red Avenue, Unit 42, Sparta, MI 49345

Property is: Residential Commercial Industrial **Property zoned:** GC (General Commercial)

THIS APPLICATION WILL NOT BE CONSIDERED COMPLETED, AND THEREBY NOT PRESENTABLE TO THE PLANNING COMMISSION, UNLESS ALL ITEMS LISTED BELOW HAVE BEEN PROVIDED:

- If application is for a Special Use Permit, a description of the property or properties in question on this application and a site plan as required by the Village's Zoning Ordinance must be attached to this form. Evidence must be provided to show that the proposed use meets all general and specific special land use standards required by the Ordinance.
- If application is for a rezoning, a description of the property or properties in question on this application must be attached to this form. Please explain in detail the request and the reason(s) why you are seeking the rezoning.
- If application is for a Zoning Ordinance (text) amendment, please explain in detail the request and the reason(s) why you are seeking the amendment.

TO BE COMPLETED BY VILLAGE

Date application and fee received: _____ Staff Initials: _____ Receipt #: _____

Application is: APPROVED DENIED

Explanation: _____

PC Meeting Date: _____ City Council Meeting Date (if app.): _____

Zoning Administrator: _____ Date: _____

**VILLAGE OF SPARTA
MARIHUANA LICENSE APPLICATION**

Village Hall
156 E. Division
Sparta, MI. 49345
(616) 887-8251

Section 1. Applicant Information

Individual [] Corporation [] LLC Other [] _____

Business Name Baria Brothers, LLC	d/b/a (if any)	State ID No. 802826722	
Street 4312 E Grand River Avenue	City/ Township/ Village Howell	State MI	Zip 48843

Marihuana Establishment Information

Business Name Baria Brothers, LLC			
Street 25 Ida Red Avenue, Unit 42	City/ Township/ Village Sparta	State MI	Zip 49345

Application Point of Contact

Name Jacqueline Langwith, Esq.		Affiliation with Applicant Attorney for Applicant	
Street 4312 E Grand River Avenue		City/ Township/ Village Howell	State MI
Zip 48843		State MI	
Phone 517-546-1181	Phone	Email jackie@pollicella.net; griffin.cole@pollicella.net	

Section 2. Licensing Information

Initial Application Annual Renewal [] Change in Location []

Recreational Marihuana Establishment (designate one)	
Marihuana Retailer	X
Marihuana Safety Compliance Facility	
Marihuana Secure Transporter	

State license/prequalification Number AU-ER-003194.

Village marihuana license number (if applicable) NA.

Section 3. Required Documents

Initial Application

✓	State prequalification letter
✓	All step 1 prequalification documents submitted to the CRA (main and supplemental applicants)
✓	Business overview (document explaining who the business is, who its members are, goals, etc.)
✓	Site plan consistent with the requirements of the Village Zoning Ordinance
	Additional documents (if any)

Annual Renewal

	State license
	Any updated documents submitted to the CRA
	Business introduction (if any changes)
	Site plan (if any changes)
	Additional documents (if any)

Change in Location

	Letter of zoning approval
	Approved site plan (and any conditions)
	Brief description of the basis for location change
	Additional documents (if any)

NOTE: There is a continuing duty to provide the Village updated documentation within ten calendar days of any changes being made (this includes the submission of revised documentation to the CRA or the grant of a new license by the CRA). A copy of all Step 2 License application documents submitted to the CRA (main and supplemental applicants) and State marihuana establishment license renewal documents must be submitted to the Village within ten calendar days of their submittal to the CRA. A copy of the State marihuana establishment license must be provided to the Village within ten calendar days of its issuance.

Section 4. Required Payment

All fees are payable by check, cash, or credit card. Checks should be made out to the Village of Sparta.

The initial application fee of \$1,000 is due at the time of application. The licensing fee of \$4,000 is due within ten calendar days of Village marihuana license approval. No Village marihuana license will be issued until the licensing fee is paid. Failure to pay the licensing fee within ten calendar days may result in the forfeiture of the Village marihuana license.

If applicable, an annual renewal late fee of \$100 is due at the time of application. The renewal application fee of \$900 is due at the time of application. The licensing fee of \$4,000 is due within ten calendar days of Village marihuana license approval. No license will be issued until the licensing fee is paid. Failure to pay the fee within ten calendar days may result in the forfeiture of the Village license.

The change in location application fee of \$150 is due at the time of application.

Section 5. Attestation and Affirmation

I, individually and on behalf of the applicant attest to and affirm the following:

1. The applicant is not in default to the Village of Sparta for the failure to pay any property taxes, special assessment, fines, fees, or other financial obligations to the Village.
2. The applicant will report any changes to any information reported to the Village within ten days of such changes.
3. The applicant acknowledges and agrees to the following: A Village marihuana license is a revocable privilege granted by the Village and is not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest. The application for a license does not create or vest any right, title, franchise, or other property interest. The Village may at any time amend the requirements imposed by the Village Code, and cease authorizing, licensing, or renewing the licenses of marihuana establishments.
4. To the best of my knowledge and belief, all information contained herein is accurate and complete.

By: _____ Date: _____

Its: Sole Member, Baria Brothers, LLC

Office Use Only

Village Marihuana License # _____

Application fee / late fee paid	Date:	Cash/ Check No.:
Application accepted	Date:	Notes:
Application determination	Date	Notes:
Application determination notification	Date	Notes:
Licensing fee paid	Date	Notes:
License issued	Date	Notes:

**VILLAGE OF SPARTA
VILLAGE MARIHUANA LICENSE FEE SCHEDULE**

1. Application Fee (initial): \$1,000
2. Licensing Fee (initial): \$4,000
3. Application Fee (renewal): \$900
4. Renewal Late Fee: \$100
5. Licensing Fee (renewal): \$4,000
6. Change in Location Application Fee: \$150

All fees are non-refundable.

This fee schedule is effective September, 2023.

VILLAGE COUNCIL
VILLAGE OF SPARTA

CRA Prequalification Letter and Application Materials

**PROPOSED ADULT-USE MARIJUANA
RETAILER
BARIA BROTHERS, LLC**

25 Ida Red Avenue, Unit 42
Sparta, Michigan

GRETCHEN WHITMER
GOVERNOR



ORLENE HAWKS
DIRECTOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING
VIA ELECTRONIC MAIL

Date: June 21, 2022

Addressee: Baria Brothers, LLC
Address: 4312 E. Grand River Ave.
Howell, MI 48843

RE: Prequalification status for your pending application

Dear Applicant:

The Cannabis Regulatory Agency (Agency) considered your partial application for prequalification status and determined that you have prequalification status pursuant to the licensing provisions of the Michigan Regulation and Taxation of Marihuana Act (MRTMA) and associated rules. This letter may be provided to a municipality as documentation of your prequalification status. Please note that this is a pending status until all application requirements of the MRTMA and associated rules are completed. A state license for a marihuana establishment cannot be issued at this stage of the application process. During complete application review, the Agency will consider all information relevant to eligibility including information that has been newly acquired or information that is newly apparent since determination of prequalification status.

If you have not already done so, please submit a marijuana establishment license application (Step 2) for each state license for which you wish to apply. You may submit an application online through the Accela Citizen Access Portal on the Agency website at www.michigan.gov/cra or your application may be submitted by mail or in person as follows:

Mailing Address:

Cannabis Regulatory Agency
Licensing Division
Adult-Use
P.O. Box. 30205
Lansing, MI 48909

In Person:

Cannabis Regulatory Agency
Licensing Division
Adult-Use
2407 North Grand River
Lansing, MI 48906

Sincerely,

Licensing Division
Cannabis Regulatory Agency

Business Overview

PROPOSED ADULT-USE MARIJUANA RETAIL FACILITY BARIA BROTHERS, LLC

25 Ida Red Avenue, Unit 42,
Sparta, Michigan

BUSINESS OVERVIEW

Baria Brothers, LLC (“**Baria Brothers**”) is applying to the Village of Sparta for special land use and marijuana business permit approval for a proposed marijuana retail facility to be located at 25 Ida Red Avenue, Unit 42, Sparta, Michigan. Baria Brothers is solely owned by Maninder Pal Singh (also known as Manu Baria), a member of the local community. As an active member of the local community, Mr. Baria hopes that his business entity, Baria Brothers, will be the first licensed and operating adult-use marijuana retailer in the Village. Furthermore, because of Mr. Baria’s great affection for and personal interest in the well-being of the local community, Mr. Baria will ensure that his marijuana retail facility is a welcomed addition to the community, as a source of economic opportunity and as a courteous neighbor.

The property on which Baria Brothers plans to operate is leased by the entity and appropriately zoned for establishment of an adult-use marijuana retail facility. More specifically, the unit Baria Brother is leasing is within a commercial shopping center located on property designated for General Commercial (GC) use. This zoning designation is in accordance with the Village of Sparta Zoning Ordinance No. 23-07, which regulates the establishment and location of licensed marijuana facilities in the Village. Additionally, Baria Brothers’ proposed location is distanced at least 1,000 feet from any school educating grades K-12, 500 feet from any public park, and 50 feet from any parcel designated as residential, planned unit development, or central business.

If granted special land use and business permit approval from the village, Baria Brothers plan to establish a compliant, organized, and efficient adult-use marijuana retailer in the Village. In establishing and operating its business, Baria Brothers will implement the following procedures to ensure that it is a courteous neighbor to surrounding uses and compliant with applicable state and municipal laws:

- **Baria Brothers will implement technology to ensure that no obnoxious odor or fumes are detectable from outside of the facility. This will include, but not limited to an activated carbon filtration system, and other odor mitigation technology as deemed necessary to ensure that the facility is following the Village’s ordinances and CRA regulations.**
- **Baria Brothers will limit operation of its proposed adult-use retail facility to between the hours of 8 a.m. and 10 p.m.**
- **Baria Brothers will install state-mandated surveillance and alarm technology to ensure that its facility is not a target of crime as well as ensure the safety of its customers and employees.**
- **While not anticipating much marijuana waste as a retail operation, any marijuana waste that cannot be appropriately returned to the license processor or grower from where it came, will be destroyed according to CRA and applicable regulations.**

Baria Brothers is not only excited about the prospect of being the first licensed and operating marijuana retail facility, but it is proud to represent the local community as a business with local roots, unlike some of the applicants that are sure to follow. Baria Brothers wants to provide the local community and visitors to the community with the optimal marijuana retail experience on par with some of the industries chain dispensaries while maintaining the qualities and values of a small local business. Baria Brothers feels honored to have its application for an adult-use marijuana retail facility considered by the Village, and the business looks forward to being able to serve and represent the community it calls home.

Site Plan

**PROPOSED ADULT-USE MARIJUANA
RETAILER
BARIA BROTHERS, LLC**

25 Ida Red Avenue, Unit 42
Sparta, Michigan

Project No.130560

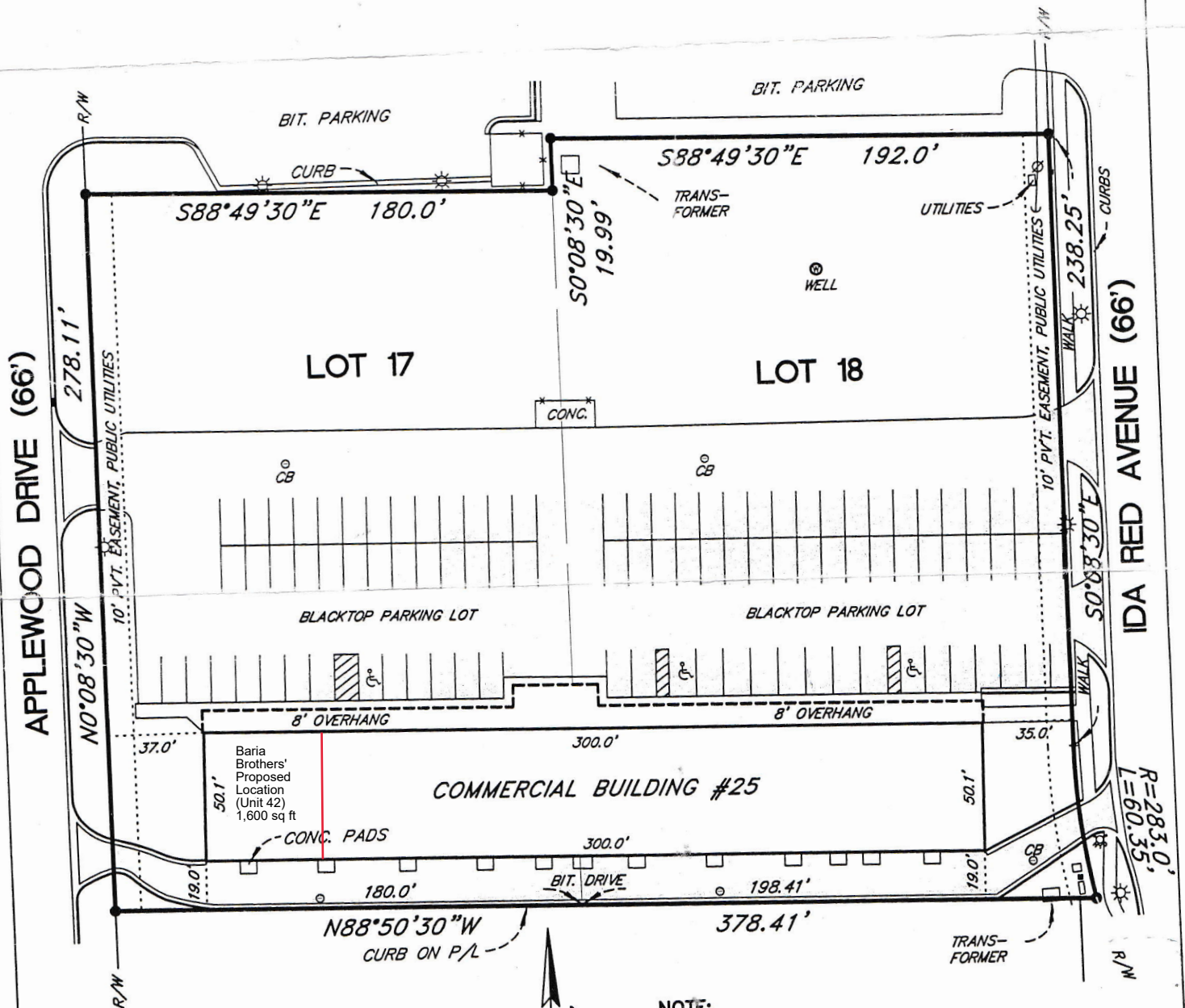
Date: June 14, 2013

For: Baker, Rex
Imperial Design Sales
1958 Wilson SW
Grand Rapids, MI 49534

Prop. Address: 25 Ida Red Ave

LEGAL DESCRIPTION

Lots 17 & 18, Appletree Industrial Park Plat, part of Section 22, T9N, R12W, Village of Sparta, Kent County, Michigan, according to the recorded plat thereof.



NOTE:
A title insurance policy was not provided at the time of this survey. One should be obtained to compare for accuracy of legal description and easements of record.

I hereby certify that the buildings and improvements are located entirely thereon and that said buildings and improvements are within the boundaries of the lots and are not existing encroachments upon the lands and property described unless otherwise shown hereon.