



For Immediate Release

Contact: Michael Burns, City Manager
City of Lowell, 616.897.8457

City of Lowell will hold virtual Planning Commission Meeting on Monday January 11, 2021

As a result of COVID -19 and the current social distancing practices being mandated statewide, the Planning Commission Meeting will be holding their monthly meeting via teleconferencing on Monday January 11, 2021 at 7:00 P.M.

The Planning Commission will meet via the Zoom Computer Teleconferencing System. The meeting will be held in compliance with Public Act 254 of 2020 pertaining to the ability to conduct public meetings remotely.

The Zoom application allows for interactive public participation. The meeting will be available to those via online and/or telephone. To participate in the meeting via Zoom here is the contact information below:

Join Zoom Meeting

<https://us02web.zoom.us/j/9806911106>

Meeting ID: 980 691 1106

One tap mobile

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Meeting ID: 980 691 1106

You may also provide input or ask questions of the Board relating to any items of business that will come before them at the meeting by emailing the City Clerk at sullery@ci.lowell.mi.us who will forward them to the Lowell Planning Commission, or by mailing them via regular U.S. Postal service to c/o City Clerk, City of Lowell, 301 E. Main St, Lowell, MI 49331, or by calling 616-897-8457.

Persons with disabilities may attend and participate using any of the above described methods. If you require special accommodations, please email mburns@ci.lowell.mi.us and we will be happy to accommodate you. If you have any questions or need further assistance, please email sullery@ci.lowell.mi.us. More meeting information, including the meeting agenda, will be available at our website www.lowellmi.gov.

According to the Attorney General, interrupting a public meeting in Michigan with hate speech or profanity could result in criminal charges under several State statutes relating to Fraudulent Access to a Computer or Network (MCL 752.797) and/or Malicious Use of Electronics Communication (MCL 750.540). According to the US Attorney for Eastern Michigan, Federal charges may include disrupting a public meeting, computer intrusion, using a computer to commit a crime, hate crimes, fraud, or transmitting threatening communications. Public meetings are being monitored and violations of statutes will be prosecuted.

#



301 East Main Street
Lowell, Michigan 49331
Phone (616) 897-8457
Fax (616) 897-4085

PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
AGENDA

FOR THE REGULAR MEETING OF
MONDAY, JANUARY 11, 2021 AT 7:00 P.M.

Join Zoom Meeting

<https://us02web.zoom.us/j/9806911106>

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Find your local number: <https://us02web.zoom.us/u/kca8BkcpR4>

1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL
2. ELECTION OF OFFICERS AND ORGANIZATION
 - a. Chair
 - b. Vice Chair
 - c. Review and adoption of Planning Commission Rules of Procedure
 - d. Meeting Dates
3. APPROVAL OF AGENDA
4. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS
 - a. December 14, 2020 – Regular Meeting
5. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
6. OLD BUSINESS
 - a. River City Cannabis – Special Land Use – 2163 W. Main – Order Control Plan

7. NEW BUSINESS
 - a. Prepare Planning Commission Annual Report for Council
8. STAFF REPORT
9. COMMISSIONERS REMARKS
10. ADJOURNMENT

PC Bylaws

RULES OF PROCEDURE

1. AUTHORITY

These rules of procedures are adopted by the Planning Commission of the City of Lowell, Michigan (hereinafter referred to as the Commission) pursuant to Public Act 33 of Michigan Public Acts of 2008, as amended, and Public Act 267 of 1976, as amended, the Open Meetings Act.

2. OFFICERS

- 2.1 **Selection.** At the January meeting, the Commission shall select from its membership a Chairperson and Vice-Chairperson who shall serve for a twelve month period and who shall be eligible for re-election. The City Clerk, or his/her designee, shall be appointed as the Commission's recording secretary.
- 2.2 **Duties.** The Chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The Vice-Chairperson shall act in the capacity of the Chairperson in the absence of the Chairperson and shall succeed to the office of Chairperson in the event of a vacancy in that office, in which case the Commission shall select a successor to the office of Vice-Chairperson at the earliest practicable time. The recording secretary shall be responsible for the preparation of minutes, keeping of pertinent public records, delivering communications, petitions, reports, and related items of business of the Commission, issuing notices of public hearing, and performing related administrative duties to assure efficient and informed Commission operations. In the event the recording secretary is absent, the Chairperson or acting chairpersons shall appoint a temporary recording secretary for such meeting.
- 2.3 **Tenure.** The officers shall take office immediately following their election. They shall hold their office for a term of one year, or until their successors are elected and assume office.

3. MEETINGS

- 3.1 **Meeting Notices.** All meetings shall be posted at the Lowell City Hall according to the Open Meetings Act. The notice shall include the date and time of the meeting.
- 3.2 **Regular Meeting.** Regular meetings of the Commission shall be held in the Lowell City Hall or other designated facility on the second Monday of each month. All meetings, unless otherwise specified, shall convene at 7:00 p.m. The dates and times shall be posted at the Lowell City Hall and a notice should be published in accordance with the Open Meetings Act. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission shall select suitable alternate dates in the same month, in accordance with the Open Meetings Act.
- 3.3 **Special Meetings.** A special meeting may be called by two members of the Planning Commission upon written request to the recording secretary or by the

Chairperson. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and the recording secretary shall deliver written notice of a special meeting to commission members not less than 48 hours in advance of the meeting.

- 3.4 **Quorum.** In order for the Commission to conduct business or take any official action, a quorum consisting of the majority of the voting members of the Commission shall be present. When a quorum is not present, no official action, except for closing of the meeting may take place. The members of the Commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be rescheduled for the next regular or special meeting and no additional public notice is required provided the date, time and place is announced at the meeting.

- 3.5 **Hearings.** Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinances cited in Section 1.

Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion. Anyone wishing to address the Commission shall use a microphone connected to the recording system. The following procedure shall be used for all public hearings:

- (1) Explanation of request as received by community.
- (2) Review and recommendation by planner/professionals.
- (3) Comments and explanations by applicant.
- (4) Questions by Commission.
- (5) Responses by professionals and/or applicant.
- (6) Opening of hearing for public comments.
- (7) Close hearing to public comments.
- (8) Consideration of action by Commission.

All comments shall be addressed to the Chairperson. Each person will be given an opportunity to be heard; second comments will not be permitted until every person has had the chance to speak for the first time. In the interest of fairness to the public, statements shall be made as concise as possible. The Chairperson reserves the right to terminate a presentation or ask for a summation if comments become excessively repetitive or stray from the issues at hand. For large hearings, a time limit may be established.

- 3.6 **Motions.** Motions shall be stated by the Chairperson before a vote is taken. The name of the maker and seconders of the motions shall be recorded.

- 3.7 **Voting.** An affirmative vote of the majority of the Commission present shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be voice vote, provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson. All members of the Commission including the Chairperson shall vote on all matters, but the Chairperson shall vote last in a roll call vote. Any member

may abstain from voting only if that person has a bonafide conflict of interest as recognized by the majority of the remaining members of the Commission. Any members abstaining from a vote shall not participate in the discussion of that item.

- 3.8 ***Order of Business.*** A Written agenda for all regular meetings shall be prepared as follows. The order of business shall be:

1. Call to Order; Pledge of Allegiance; Roll call of Commissioners
2. Approval of Agenda
3. Approval of Minutes
4. Public Comment and Communications Concerning Items Not on the Agenda
5. Old Business
6. New Business
7. Staff Reports
8. Commissioners Remarks
9. Adjournment

A written agenda for special meetings shall be prepared and followed, however the form above shall not be necessary.

- 3.9 ***Rules of Order.*** All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure, as governed by the current edition of Robert's Rules of Order.

- 3.10 ***Notice of Decision.*** A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of a request.

4. MINUTES

- 4.1 Commission minutes shall be prepared by the recording secretary. The minutes shall contain a brief synopsis of the meeting including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action and recording of attendance. All communications, actions and resolutions shall be attached to the minutes. The official records shall be annually deposited with the City Clerk.

5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

- 5.1 All meetings of the Commission shall be opened to the public and held in a place available to the general public.
- 5.2 All deliberations and decisions of the Commission shall be made at a meeting open to the public except those permitted to be conducted in closed session by the Open Meetings Act.
- 5.3 A person shall be permitted to address a hearing of the Commission under the rules established in subsection 3.5, and to address the Commission concerning non-hearing matters under the rules established in Section 3.8 to the extent that they are applicable.

- 5.4 A person shall not be excluded from a meeting of the Commission except for breach of the peace committed at the meeting.
- 5.5 All records, files, publications, correspondence, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

6. **AMENDMENTS**

These Rules of Procedure may be amended by the Commission by a concurring vote pursuant to subsection 3.7, during any regular meeting, provided that all members have received an advance copy of the proposed amendments at least seven (7) days prior to the meeting at which such amendments are to be considered.

Updated and Adopted: January 11, 2016
Adopted: May 13, 1996



301 East Main Street
Lowell, Michigan 49331
Phone (616) 897-8457
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2021 PLANNING-CITIZEN ADVISORY COMMISSION MEETING DATES
7:00 P.M.
CITY COUNCIL CHAMBERS – SECOND FLOOR

January	11	July	12
February	8	August	9
March	8	September	13
April	12	October	11
May	10	November	8
June	14	December	13 (Work Session)

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR ZOOM MEETING OF
MONDAY, DECEMBER 14, 2020 AT 7:00 P.M.**

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL.

The Meeting was called to order at 7:00 p.m. by Chair Barker.

Present: Commissioners Marty Chambers, Michael Gadula, Tony Ellis, David Cadwallader, Amanda Schrauben, Collin Plank and Chair Bruce Barker.

Absent: None.

Also Present: City Manager Mike Burns, Andy Moore with William & Works, Mayor DeVore and Lowell City Clerk Sue Ullery.

2. APPROVAL OF AGENDA.

IT WAS MOVED BY CADWALLADER and seconded by GADULLA to approve the agenda as written.

YES: Commissioners Cadwallader, Chambers, Ellis, Gadula, Plank., Schrauben and Chair Barker.

NO: None. ABSENT: 0. MOTION CARRIED.

3. APPROVAL OF MINUTES OF PREVIOUS MEETING.

IT WAS MOVED BY CADWALLADER and seconded by CHAMBERS to approve the minutes from the November 9, 2020 Regular Planning Commission meeting as corrected.

YES: Commissioners Cadwallader, Chambers, Ellis, Gadula, Plank., Schrauben and Chair Barker.

NO: None. ABSENT: 0. MOTION CARRIED.

4.. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA.

Mayor DeVore who asked David Cadwallader & Collin Plank if they would like to continue on the Planning Commission as their terms are coming up to expire. They both agreed they would like to continue and it was a general consensus by the Commissioners to keep them on the board.

5. OLD BUSINESS.

a. Grand Rapids Gravel – 2014 Bowes – Continued review of Site Plan Review and Special Land Use.

Andy Moore with Williams and Works stated at the last few meetings, we have reviewed the Williams & Works staff report for the Grand Rapids Gravel. Moore provided the background and suggested motions. Chair Barker then asked if the applicant, James Dykema wanted to add anything and he did not have anything to add other than stating there will be a fence on the south side but not confirmed whether it would be one or two as he has reached out to LARA regarding the fencing but have not heard back yet. Chair Barker questioned the easement and Moore explained the easement written in as a condition of approval and suggest to the applicant that is be at least a 20-foot-wide easement instead of 15 foot. Chair Barker then asked about the stock pile height and how tall the berm should be and Moore addressed the conditions regarding these. Commissioners agreed on 5-7 foot for the berm area and 45 foot for the stock pile added to the conditions. Berm will only be on Bowes Road.

Andy Moore then went through the Conditions for approval requirements as follows stating setbacks and dimensional requirements are not indicated on the site plan. The mining operation is proposed primarily in the Industrial district, with a portion also in the River's Edge district. Existing residential buildings are proposed to be abandoned, while a few existing structures may remain. The only new building proposed is an office trailer adjacent to the access drive in the Industrial district. This appears to be outside the required setbacks, but compliance with setbacks may be included as a condition of approval. Other dimensional requirements are met for the Industrial and River's Edge districts.

Additional setbacks are required for machinery as part of a mining operation; which is addressed under specific special land use standards.

Based on the foregoing review and findings of facts, the proposed special land use and site plan is subject to the following conditions:

1. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
2. The applicant shall continually comply with applicable ordinances, codes, and requirements of the City of Lowell.
- 3.. The proposed special land use shall comply with all applicable federal, state, and local requirements, and copies of all applicable permits shall be submitted to the City.
4. The applicant shall comply with any stipulations from the City Engineer, Lowell Area Fire Department, or other City officials.
5. The applicant shall receive approval and comply with any stipulations from the Lowell Area Fire Department regarding emergency vehicle access.
6. The applicant shall receive a driveway permit from the City of Lowell.
7. All structures and buildings shall comply with the setback requirements of the Industrial and River's Edge districts. No machinery shall be erected or maintained within 50 feet of any property or street right-of-way. Further, no cut or excavation shall be made closer than 50 feet to any street right-of-way line or property line.
8. All necessary development permits shall have been issued by appropriate local, state, and federal authorities, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Natural Resources under authority of Act 451, of the Public Acts of 1994, as amended. Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance may be acceptable.
9. Dust shall be controlled on the subject property through the use of water, dust palliative, and the ongoing maintenance of the paved access drive. Dust control shall comply with the air quality requirements of the Michigan Department of Environment, Great Lakes, and Energy (EGLE) or subsequent department. Any debris tracked on Bowes Road from the site shall be removed as soon as practicable.
10. The applicant shall maintain existing trees along the property boundaries to function as a buffer between uses.
11. Hours of operation (including loading) shall be between 7:00 AM and 5:00 PM Monday through Friday (excluding federal holidays) and 7:00 AM and 2:00 on Saturdays (excluding federal holidays). The mine shall not operate outside of these hours, or on Sundays or federal holidays.
12. The applicant shall designate an area for fuel and lubricant storage on the site plan and submit measures for safety and preventative for final Zoning Enforcement Officer approval.
13. Fencing shall be located along property boundaries as shown on the November 4, 2020 site plan and be at least six feet in height. Fencing shall be placed no closer than 50 feet to the top or bottom of any slope.
14. The applicant shall establish a 20-foot-wide easement for a non-motorized trail in the location shown on the site plan. The establishment of such easement shall occur at a time agreeable to the and shall be approved by the City prior to being recorded by the Kent County Register of Deeds.
15. The applicant shall place appropriate "Keep Out / Danger" signs around the premises, not more than 150 feet apart.
16. Stockpile height shall not exceed 45 feet.
17. The proposed berm shall be between 5 and 7 feet tall. Slopes of the berm shall not exceed 1:3.
18. Natural screening in the form of rolling topography, vegetation, and tree lines shall be preserved as much as possible to maintain the general character of the City, public rights-of-way, and neighboring properties.
19. Noise on the site shall not exceed sixty (60) decibels at any property line.
20. The applicant shall submit a written annual report to the Planning Commission, which shall include a summary of progress on the site, the amount of material removed, any complaints received and their resolution, any updates to the project schedule, and other items deemed necessary by the planning commission.

21. The applicant shall submit a performance bond in the form of a letter of credit, a certified check, a cash bond, or an insurance policy with the City of Lowell named as an insured party in the amount of \$200,000. The bond shall be released when all conditions stipulated in the Special Land Use permit have been met and the mining and restoration activities (excluding future residential development as illustrated on the end use plan) are complete. The guarantee shall be reviewed annually and adjusted accordingly based on market conditions at the time and the amount of mining remaining to be completed.
22. The applicant shall deposit with the City Treasurer the sum of \$5,000 to serve as a monitoring/enforcement escrow account. This sum will be kept by the City in a separate, interest-bearing account. All expenses incurred by the City of Lowell in the monitoring the subject gravel/sand extraction operation and enforcing the provisions of this special land use permit and the City of Lowell Zoning Ordinance with respect to the same (including legal and administrative expenses) may be paid by the City from the monies in this account. If the balance in this escrow account falls below ½ the above amount, the City Clerk shall notify the applicant of this fact and the applicant shall within 14 days of the date of the notice, deposit the sum necessary to restore the escrow account to its original balance. If at the conclusion of reclamation of the subject property there remains any money in the escrow account, it shall be returned to the applicant.

IT WAS MOVED BY BARKER and seconded by CADWALLADER to approve the Grand Rapids Gravel proposed mineral extraction (mining) operation at 2104 Bowes Road in reference to the decision and conditions of approval of December 14, 2020 specifically adding in the findings with respect to the applicable provisions of the Michigan Zoning Enabling Act., as well as the 22 conditions listed above.

YES: Commissioner Cadwallader, Commissioner Chambers, Commissioner Ellis,
Commissioner Gadula, Commissioner Plank, Commissioner Schrauben and Chair Barker.

NO: None.

ABSENT: None

MOTION CARRIED.

b. Public Hearing – River City Cannabis- Special Land Use – 2163 West Main – Tabled from last month.

Chair Barker opened the Public Hearing and then asked the Co-founder, Michael Mathews representing River City Cannabis to explain what they are proposing. Mathews stated their intent is to have a micro business that is going to be a personal small craft style cannabis business only selling what they grow.

Andy Moore with Williams & Works stated the applicant submitted an application for site plan review and special land use approval to operate an adult use marijuana establishment (microbusiness) at 2163 W. Main Street. The subject property is located in the C3 General Business district, where adult use marijuana establishments are permitted only with special land use approval.

The applicant is proposing to occupy the existing building for a marijuana microbusiness, which would be located in the end unit of a multiple-occupant building used for retail facilities ("Lowell City Mall").

Moore reviewed the site plan review standards. He pointed out this microbusiness would be established in an existing multitenant building and raised concerns with regards to odors and the adjacent suites.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to accept that the site plan review standards have been met.

ROLL CALL VOTE. YES: Commissioner Cadwallader, Commissioner Chambers, Commissioner Ellis,
Commissioner Gadula, Commissioner Plank, Commissioner Schrauben.

NO: Chair Barker.

ABSENT: None.

MOTION CARRIED.

Barker asked if there were any public comments.

Mayor DeVore stated he is concerned about security and odor for this specific location and would like the Commission to exercise caution.

Moore reviewed the special land use review standards.

After much discussion the Commission decided to request that the applicant provide a detailed odor control plan.

Mathews stated he would bring these items forward and give a more detailed plan on the HVAC & buffer zone.

Moore suggested since there are many questions on standard E being met, so maybe we should hold off on the motion on the Special Land Use Standards.

Moore then reviewed the Adult Use Marihuana Establishment Special Land Use Standards. Moore then recommended not voting on these as well.

IT WAS MOVED BY BARKER and seconded by ELLIS to table the Special Land Use Application for River City Cannabis until the January 11, 2021 meeting.

YES: Commissioner Cadwallader, Commissioner Chambers, Commissioner Ellis, Commissioner Gadula, Commissioner Schrauben, Commissioner Plank, and Chair Barker.

NO: None.

Absent: None.

MOTION CARRIED.

6. **NEW BUSINESS.**

a. **Site Plan Review – Culligan Water - 2531 W. Main.**

Pam Denker gave a brief description of what they would like to do at 2531 W Main which includes a new building with two suites. One for them and lease the other one out. Denker noted architect, Ken Dixson and engineer Paul Henderson were also present in the meeting.

Andy Moore with William & Works explained this is a site plan review for the construction of a warehouse, retail, and office building.

The property is approximately 0.82 acres in the I Industrial District. The applicant is proposing to construct a new 5,889 square-foot building and retain an existing 1,219 square-foot pole building on the site, which would function for warehousing, retail and office space.

The Commission reviewed the site plan review standards.

IT WAS MOVED BY BARKER and seconded by CADWALLADER to approve the site plan review standards A-F are met for Denker Culligan Water at 2531 W. Main.

YES: Commissioner Chambers, Commissioner Plank, Commissioner Schrauben, Commissioner Gadula, Commissioner Ellis, Commissioner Cadwallader and Chair Barker.

NO: 0.

ABSENT: 0.

MOTION CARRIED.

Moore recommended the proposed site plan amendment be approved subject to the following conditions:

1. No demolition or earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.
2. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
3. The applicant and the site shall at all times comply with local standards and ordinances.

4. The applicant shall receive approval from and comply with any stipulations of the Lowell Area Fire Department, City Engineer, or any other City officials.
5. The applicant shall comply with the outdoor lighting requirements of Section 4.24 of the Zoning Ordinance.
6. The applicant shall provide one additional parking space on the site, to meet the minimum requirement of Section 19.07 of the Zoning Ordinance, unless otherwise modified by the Planning Commission.
7. The applicant shall obtain a sign permit and comply with the standards of Chapter 20 of the Zoning Ordinance prior to the modification of the existing sign.
8. The new building shall be attached to the existing building.
9. The applicant shall receive approval from MDOT for the new curb cut and submit a copy of this approval to the City. Keeping shared access to the west with an easement.
10. All landscaping shall be continuously maintained to ensure that the proposed uses will be adequately buffered from one another and from surrounding public and private property.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to approve the proposed site plan for 2531 W. Main with the conditions listed above.

YES: Commissioner Ellis, Commissioner Plank, Commissioners Chambers, Commissioner Gadula, Commissioner Cadwallader, Commissioner Schrauben and Chair Barker.

NO: None.

ABSENT: None

MOTION CARRIED.

7. **STAFF REPORT.**

Andy Moore with Williams and Works noted there will be some improvements going on at the Lowell Light & Power site on Chatham. They have submitted a site plan for some primarily parking lot improvements. After review, he did not think it was necessary to send to the Planning Commission.

8. **COMMISSIONERS REMARKS.**

Commissioner Gadula said Merry Christmas and Happy New Year to everyone.

Commissioner Chambers stated it was nice to do a review for a brand new building for Lowell. Also wished everyone a Merry Christmas and Happy New Year.

Chair Barker asked for a moment of silence for all those who passed in 2020. Also wished everyone a Merry Christmas and a Happy New Year.

9. **ADJOURNMENT.**

IT WAS MOVED BY CADWALLADER and seconded by CHAMBERS to adjourn at 9:10 p.m.

YES: 7

NO: None.

ABSENT: None.

MOTION CARRIED.

DATE:

APPROVED:

Bruce Barker, Chair

Susan Ullery, Lowell City Clerk

williams&works

engineers | surveyors | planners

MEMORANDUM

To: City of Lowell Planning Commission
Date: January 8, 2021
From: Andy Moore, AICP
Whitney Newberry
RE: River City Cannabis – Odor Control Plan

River City Cannabis has submitted an odor control plan to further detail measures for odor control related to the proposed marijuana microbusiness in a multiple-occupant establishment at 2163 W. Main Street. The purpose of this memorandum is to provide a brief overview and analysis of the proposed methods of odor control.

The applicant has proposed a four-step approach to odor management, which is detailed as follows:

1. Negative air pressure. The applicant is proposing to create negative air pressure in the grow space that would be continually maintained, as required in Section 17.04 FF(5)(c)(iii) of the Ordinance. The Ordinance specifies the minimum extent to which the negative air pressure should be maintained: a ratio of 1:4 between the air intake and exhaust fan; a 0.01" water column relative to the building exterior or adjacent spaces without marijuana; or a minimum exhaust rate of 0.2 CFM per square foot of floor area. While the applicant proposed to maintain a negative air pressure, the ratio, rate, or relative negative air pressure should be discussed to ensure compliance with this standard. Further, this negative air pressure should be maintained throughout the entire building where there is marijuana product, not only in the grow room, though the grow room will be the most obvious source of odors. The Planning Commission may discuss these details as a condition of approval, if desired.
2. Carbon filtration. The applicant is proposing to have plants located in completely enclosed, air-tight tents with individual carbon filters and exhaust fans. It appears the applicant is proposing this setup during all phases of plant growth. This setup would involve air scrubbing for two hours, followed by its release into the main room, and lastly exhaust through the HVAC, which would also include a carbon filtration system on the main HVAC leading outside. Thus, the air would undergo two carbon filtration systems before reaching outside. This meets the Ordinance's requirement for an activated air scrubbing and carbon filtration system in Section 17.04 FF(5)(c)(i).

Section 17.04 FF(5)(c)(i) also requires that fans be sized for cubic feet per minute equivalent to the volume of the building divided by three. The applicant has proposed a carbon filter with 3,000 CFM for the building and a filter with 420 CFM in each grow tent. Further, the rooftop unit fan would have a minimum speed of 1,500 CFM and a

maximum of 3,000 CFM. The Planning Commission may discuss the sizes of fans with the applicant based on tent and building volumes. Provided the fan sizes and associated filters are appropriate for the size of the space being scrubbed, the Planning Commission may find this measure of control aligns with the Ordinance's standard for carbon filtration.

3. Ozonator. The applicant is also proposing an inline ozonator after the carbon filtration in the HVAC system to further eliminate odors not captured by the carbon filter. The proposed ozonator's specifications note that it is ideal for rooms up to 40,000 cubic feet (1,133 m³). We note that the effectiveness and potential hazards of ozonators have received mixed reviews. Some proponents of ozonators consider them effective for killing disease, fungus, and odors with great efficiency. However, the National Institute for Occupational Safety and Health recommends that human exposure be limited to no more than 0.1 ppm due to health hazards. While high concentrations of ozone are typically effective at removing odors, research is mixed regarding its effectiveness at safe lower concentrations. The applicant's proposed model would produce ozone at 3,000 mg/hr, which would be a concentration about 1.2 ppm for the recommended 40,000 cubic foot building. Because this would be in the HVAC system, it may not impact human exposure. While the applicant may employ this as an additional measure of odor control, the Planning Commission should be aware that reviews are mixed.
4. ONA Gel Pro. The applicant is proposing to disperse/mist this product in the ducting area and periodically in the retail area. This product bonds with molecules to eliminate odors. This appears to be a useful supplement to other methods of odor control.

Conclusion

At the previous meeting, the Commission asked for additional odor control information. The primary reason for this was that the proposed facility is located in a multi-tenant building, with other business directly adjacent to the proposal facility. The applicant has submitted an odor elimination plan that details proposed measures of odor control and elimination. The applicant also indicated that a phone number and email would be available online and posted around the building so that any complaints could be handled and mitigated.

Provided negative air pressure is maintained at the appropriate level and fan sizes are suited to the building volume, the Planning Commission may find that the proposed odor elimination plan aligns with the Ordinance requirements for odor mitigation. If the Planning Commission finds the information submitted by the applicant to be acceptable, it may accept the odor elimination plan and approve the site plan and special land use. If approved, we suggest the following conditions be included in any subsequent approval of the site plan, along with those recommended in our November 5, 2020 memoranda to the Planning Commission:

- Negative air pressure shall be maintained at either a ratio of 1:4 between the air intake (CFM) and exhaust fan (CFM); a minimum negative pressure of 0.01" water column

relative to the building exterior and adjacent spaces without product; or a minimum exhaust rate of 0.2 CFM per square foot of floor area.

- Negative air pressure shall be maintained throughout the entire building where there is marihuana product.
- All fans shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building divided by three. All carbon filters shall be rated for the applicable CFM.
- Air scrubbing and filtration systems shall be maintained in working order and shall be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.

As always, please contact us if there are any questions.

c: Sue Ullery, City Clerk

Complete odor elimination process for River City Cannabis. The following steps are put in place to prevent any smells/obnoxious odors from seeping through the walls into our neighboring suites, and neutralize/capture any odors that are exhausted through our HVAC system.

Negative Pressure:

By exhausting more air in a room than you bring in, you create negative pressure. Negative pressure forces all the air in the given room to escape only through the HVAC, leaving no odors left behind. If the opposite were to occur, positive pressure, the air would be pushed through cracks in door jams and ceilings, certain wall material, and anytime a door is opened. Air moves from areas of high pressure to areas of low pressure, so by maintaining a negative pressure we can assure that no air will escape anywhere other than through the HVAC system it is being forced out of.

Our grow space at West Main St. will have a continuous negative pressure, 24/7. Inside the grow space each grow area will be contained within tents, each with their own respective carbon filter and exhaust fan. After the air is scrubbed in each sealed tent for 2 hours, the air will be exhausted for 15 minutes to completely replace the air in the tent. From there, the air will be released into the main room and exhausted through the HVAC to the outside of the building, thus, scrubbing all the air twice. *(please see attached diagrams)*

Carbon Filters

Carbon filters will be used inside of each contained grow space, and in-line on the main HVAC leading to the outside air. Carbon filtration technology works through a method called adsorption which is when pollutants in the air are treated and trapped inside of the pores in a carbon media. The carbon filter media is activated with a positive charge and is designed to attract negatively charged contaminants present in the air. The particles/granules of carbon work to provide a large surface area structure on the filter media to maximize the ability to capture contaminants within the filter media – which will in turn help to improve the overall indoor air quality within this specific indoor environment. The two specific types of pollutants that these filters work against effectively in the air are volatile organic compounds (VOCs) and odors.

Carbon filters will act as the first line of defense against odor elimination/neutralization in our grow space. We do not need to worry about harmful chemicals, as we only use safe, organic products even for pesticides/fungicides.

<https://hydrobuilder.com/grow-room-environment/grow-room-odor-control-air-cleaner-filters/exhaust-filters/carbon-exhaust-filters/can-fan-can-lite-carbon-filter.html>

2 Can-Lite Filter 14" x 50" XL 3000 CFM for the main HVAC and the Can-Lite Mini 6" x 16" 420 CFM

Ozonators

For our second line of odor defense we will employ an inline ozonator onto the main HVAC after the carbon filter. Ozone safely alters the molecular structure of offensive microorganisms to eliminate odor. Our ozonator is a high output Corona Discharge generator that uses electric discharge to produce ozone by splitting the normal oxygen molecules in the air into single atoms, these atoms then attach to other O₂ molecules in the air to form ozone). It doesn't mask odors like an air freshener, it kills the odors, then converts them to CO₂ and oxygen. Concerns about ozone in a contained space are not applicable here as the ozone will be generated in the exhaust ducting of the building and forced out of the top of the building where it will quickly disperse into the outside air.

The 10" 2 Cell Uvonair Corona Discharge Ozonator <https://hydrobuilder.com/grow-room-environment/grow-room-odor-control-air-cleaner-filters/ozone-generators/uvonair-10-cd-in-line-duct-ozonator-2-cells.html>

ONA Liquid

Our 3rd and final line of odor defense will be Ona Gels/Liquid. This product will be dispersed/misted in the ducting after the ozonator in the grow area as well as misted periodically in our retail portion of our suite. ONA's active ingredients come from a blend of 32 essential oils and plant-derived compounds that bond with and neutralize a wide array of odors. Two odors can offset one another when they combine to form a bond. All VOCs (volatile organic compounds) and odorous compounds have a solubility factor in ONA active ingredients. This solubility will allow the compound to solubilize itself in the presence of ONA. The active molecules in ONA will attract or come into contact with low molecular weight or volatile compounds (VOC's). These VOC's will enter and bond with the ONA active ingredients to eliminate odors. This involves the permanent bonding of the odorous molecule and the ONA active ingredients reactive sites. This mechanism transforms the pollutant in its basic properties. As a result, odor disappears.

Ona Gel Pro

<https://hydrobuilder.com/grow-room-environment/grow-room-odor-control-air-cleaner-filters/odor-absorbing-gels-sprays-mists/ona-gel-pro.html>

HVAC Redundancy/Power Outages/Service:

Per our lease we are required to service our own unit, and we intend to hold a service contract with a local HVAC company that has 24/7 emergency service capabilities. In the case of a power outage we have a gas generator to run the rooftop unit with as well as battery backups for tent inline fans.

Our Rooftop Unit:

Some specs from the manufacturers website-

Performance Features

- Meets and exceeds ASHRAE 90.1 energy efficiency levels
- New unit control board with intuitive quick fan speed adjustment
- New direct drive - EcoBlue™ Technology indoor fan system uses Vane Axial fan design & electronically commutated motor
- Single-stage cooling capacity 04-06 models, two-stage on 07 models
- SEERs up to 14.0, IEER of 15.0
- Gas efficiencies up to 82%
- Cooling operating range up to 115 °F (46°C) and down to 40°F (4°C) using winter start kit
- Innovative corrosive-resistant composite condensate pan in accordance with ASHRAE 62 Standard, sloping design; side or center drain
- Exclusive IGC solid-state control for on-board diagnostics with LED error code designation and burner control logic
- Pre-painted exterior panels and primer-coated interior panels tested to 500 hours salt spray protection

Maintenance Features

- New unit control board facilitating simple safety circuit troubleshooting and simplified control box arrangement as well as easy intuitive fan speed adjustment
- Access panels with easy grip handles
- Innovative, easy starting, no-strip screw feature on unit access panels
- Tool-less filter access door
- Optional hinged access panels also available
- NEW Direct Drive – EcoBlue™ Technology Indoor fan system uses Vane Axial fan design and electronically commutated motor with beltless design
- Two-inch disposable return air filters

Direct drive EcoBlue Technology indoor fan system uses Vane Axial fan design and electrically commutated motors. This new Vane Axial design over past belt drive systems has 75% fewer moving parts, uses up to 40% less energy and has no fan belts, blower bearings and shaft.

With a minimum of 1500 cubic feet per minute and a maximum of 3,000 cubic feet per minute the air handler is more than capable of servicing a unit of our size.

Neighboring Units:

The RTU is currently 23 feet on either side from the neighboring suite's rooftop units. RCC is willing to extend the exhaust system if suggested/allowed by the city, but the system will have already been compromised should the air being released be obnoxiously odorous as it pertains to the manufacturing of marijuana.

The distance appeared completely appropriate and normal in relation to all other units. The exhausts and intakes of all the neighboring units are oriented the same direction so no exhausted air would be getting re-circulated through neighboring suites.

Willingness To Work With the City:

River City is committed to enhancing the business of the neighboring suites, and to improving the surrounding area as well as the community. We want to work with the city and are open to suggestions and want to be as transparent as possible with our process.

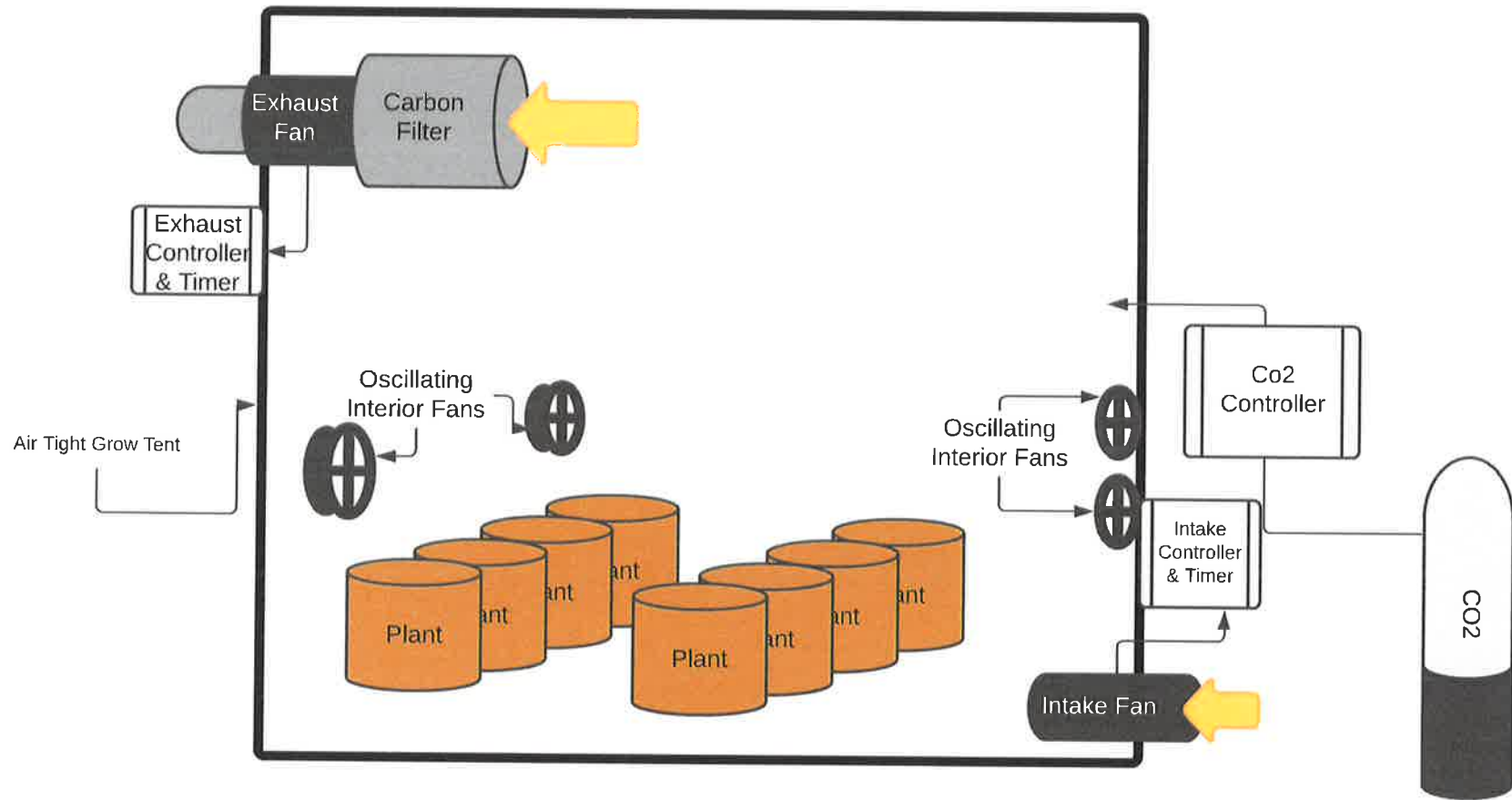
Public Intrusive Odor Contact Information:

River City would also like to resolve any issues from the patrons of Lowell and are willing to provide a phone number and email that will be posted online, on our store front, and around our building- where people can contact if they feel that they are smelling or noticing any intrusive marijuana odors related to growing.

Email: rivercitycannabis.odor@gmail.com

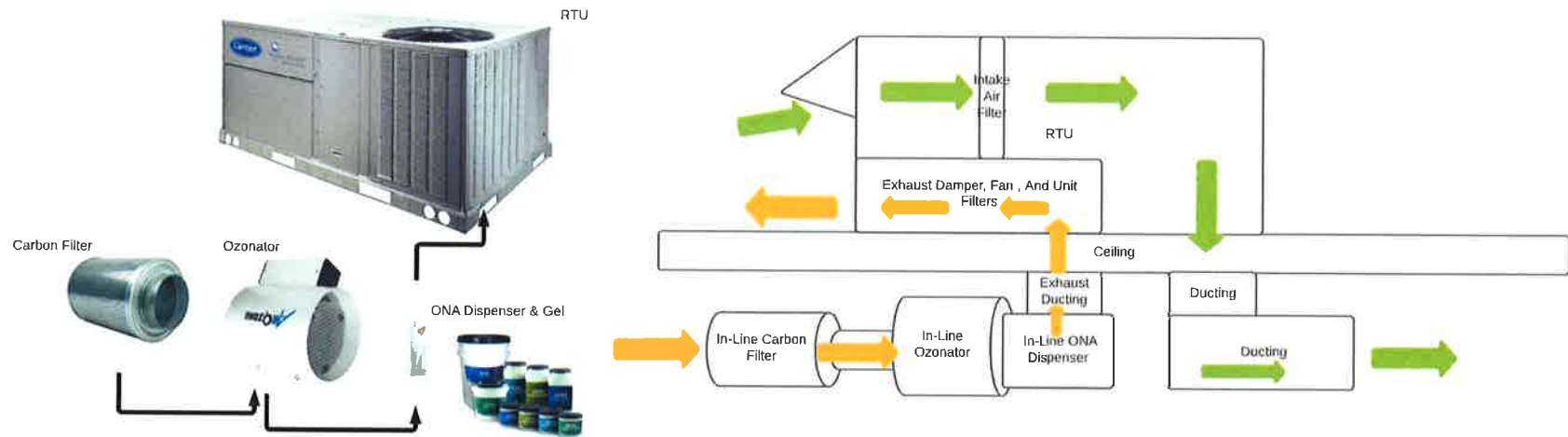
Phone: 6164668014 (number may change will be updated on all signage/web)

Grow Tent Odor Elimination Flow Chart



Key:

Intake Air →
Exhaust Air →



2020				
Open Date	Close Date	Address	Name/Business	Subject
01/6/2020	01/16/2020	930 Sibley	Darla Maloney	Egress Window
02/21/2020	02/21/2020	159 S. West	Suzie Reinbold	Various Repairs
03/7/2020	03/07/2020	220 N. Division	David Brandt	Fence
03/11/2020	03/11/2020	1751 Gee Drive	Tony Beers	Partial finish basement
03/03/2020	03/18/2020	1264 Fun	John VanderWilp	Pole Barn
03/24/2020	03/26/2020	722 N. Washington	Sue Murley	Various Imp Inside
04/14/2020	04/17/2020	917 Lincoln Lake	Michael Johnson	Shed
03/31/2020	04/03/2020	1701 Faith	Dean Milstead	Shed
04/21/2020	04/24/2020	1100 Sibley	Brian Cook	Fence
04/27/2020	04/30/2020	1020 Sibley	Tracie Eikey	Fence
04/27/2020	05/01/2020	1965 W. Main	Meds Café	Temp Sign
04/27/2020	05/12/2020	1100 Sibley	Brian Cook	Deck
05/08/2020	05/08/2020	318 Lincoln Lake	Casmir Delnick	Pool
05/28/2020	06/02/2020	1115 E. Main	Louis D'Agostino	Renovation/Porch
05/28/2020	06/01/2020	312 E. Main	ZPS Investments	Demo
06/02/2020	06/04/2020	1335 W. Main	H&H Management	Renovation
06/11/2020	06/11/2020	203 N. Hudson	Robert Halvorson	Fence
06/09/2020	06/23/2020	2475 Gee Drive	Scott and Brandi Barriger	Covered Porch
06/23/20	06/23/20	257 Donna	Elizabeth Sparks	Reroof
06/08/20	06/23/2020	2050 W. Main	T-Mobile	Signs
06/22/2020	06/23/2020	924 N. Hudson	Emma Wikstrom	Fence
06/16/2020	06/24/2020	96 & 100 W. Main	Scott Brown Enterprises	Interior Demo
07/20/2020	07/20/2020	280 Valley Vista Drive	Cyndie Drake	Shed
07/24/2020	07/24/2020	624 Lafayette	Ann Dimmick	Sun Room
07/28/2020	07/28/2020	312 E. Main	ZPS Investments	Demo
08/06/2020	08/06/2020	701 Amity	Mike Steele	Rebuild garage

08/06/2020	08/06/2020	216 W. Main	Amber Rau	Remodel
08/10/2020	08/10/2020	2050 W. Main	Wild Bills Tobacco	Remodel
09/01/2020		570 Foreman St	Serveforce	Fence
09/01/2020		611 N Jefferson	Lou Augustino	Demo
09/01/2020		623 N Jefferson	Lou Augustino	Demo
09/02/2020		145 S Center	Chris Cavanaugh	Home addition
09/02/2020		1240 Grand River Dr	Ed Zigmont	Outdoor Wood Furnace
09/02/2020		216 W. Main St	Amber Rau	Sign - Temporary
09/21/2020	09/30/2020	211 N. Grove	Brian Smith	Add 2 nd floor and complete remodel
10/13/2020	10/21/2020	930 Sibley	Don Shaffer	Fence
10/23/2020	10/23/2020	212 N. Broadway	Suzanne Reinbold	Interior Work
11/10/2020	11/10/2020	280 Roberta Jayne	Marilyn Branham	Garage
11/06/2020	12/15/2020	625 Chatham	LL&P	Alteration
12/16/2020	12/16/2020	2111 W. Main	Tractor Supply	Propane Tank
12/28/2020	12/28/2020	1400 Foreman	Litehouse Foods	Interior Remodel and Exterior sidewalk improvement.