

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, FEBRUARY 11, 2019 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 Commissioner Chair Bruce Barker.

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

Absent: Commissioner Kelly Breimayer, Commissioner David Cadwallader

Also Present: Andy Moore with William & Works.

2. APPROVAL OF ABSENCES.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to excuse the absence of Commissioner Kelly Breimayer and Commissioner Dave Cadwallader.

YES: 5. NO: 0. ABSENT: 2. MOTION CARRIED.

3. APPROVAL OF AGENDA.

IT WAS MOVED BY CHAMBERS and seconded by ELLIS to approve the agenda as amended adding Builders Fireplace Site Plan as item c. under new business with the remaining items following.

YES: 5. NO: 0. ABSENT: 2. MOTION CARRIED.

4. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETINGS.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to approve the minutes of the November 12, 2018 regular meeting as corrected.

YES: 5. NO: 0. ABSENT: 2. MOTION CARRIED.

IT WAS MOVED BY SCHRABEN and seconded by CHAMBERS to approve the minutes of the January 22, 2019 City Council/Planning Commission Joint Meeting as written.

YES: 5. NO: 0. ABSENT: 2. MOTION CARRIED.

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

Bob Pfaller -1100 N. Washington representing the Schneider Manor Lowell Area Housing Board of Directors stated he wanted to give a courtesy update. In December, they were not awarded the grant as they had intended so that has put them in a holding pattern, but once they regroup and decide their next action, they will notify the Planning Commission.

6. OLD BUSINESS.

There was none.

7. NEW BUSINESS.

a. Election of Officers and Review and Adoption of Planning Commission Rules of Procedure.

1. CHAIR

IT WAS MOVED BY CHAMBERS and seconded by ELLIS to nominate Bruce Barker as Chair for the Lowell Planning-Citizen Advisory Commission.

YES: 5. NO: None. Absent: 2. MOTION CARRIED.

2. VICE CHAIR

IT WAS MOVED BY BARKER and seconded by CHAMBERS to nominate David Cadwallader as Vice Chair for the Lowell Planning-Citizen Advisory Commission.

YES: 5. NO: None. Absent: 2. MOTION CARRIED.

3. ADOPTION OF THE PLANNING COMMISSION RULES OF PROCEDURES.

IT WAS MOVED BY BARKER and seconded by ELLIS to adopt the Planning Commission Rules of Procedures as written.

ROLL CALL: YES Commissioner Chambers, Commissioner Ellis, Commissioner Plank, Commissioner Schrauben and Chair Barker.

ABSENT: Commissioner Breimayer and Commissioner Cadwallader. No: None.

MOTION CARRIED.

b. Adoption of the meeting dates for the Planning Commission.

Marty Chambers asked if there was going to be a work session with the Townships and Chair Barker stated he has not heard anything and asked City Clerk Sue Ullery to check into that for some time in the fall.

IT WAS MOVED BY CHAMBERS and seconded by PLANK to adopt the meeting dates for the Planning Commission.

YES: 5. NO: None. Absent: 2. MOTION CARRIED.

c. Builders Fireplace -Extension – Site Plan Review

Peter Klavers owner of Builders Fireplace at 521 W. Main stated he has had the business here in the City of Lowell for 6-7 years now, things are going well and he is happy to be a part of the community. They are now at the point where they need more room for equipment and storage space.

Andy Moore with William & Works explained his review of the site plan stating as follows:

Dimensional Requirements: While the existing building does not meet the required setbacks for the C-3 district, the Zoning Ordinance allows for expansions of nonconforming buildings so long as the degree of nonconformance is not increased. Therefore we consider the proposed expansion to be allowable.

Lighting: The site plan proposes two (2) wall pack lights with cutoff, downward-facing fixtures on the proposed addition to the retail building. The applicant has not provided additional lighting details. It

appears that these lights will comply with Section 4.24; however, the Planning Commission may request additional information to ensure that standard is met.

Parking: The applicant is not proposing any additional parking spaces. Because the applicant is proposing two small additions for the purpose of storage, we do not consider this to be usable floor area. Parking requirements are based on usable floor area for retail businesses in Section 19.07, additional storage space will not contribute to the current usable floor area. Therefore, additional parking spaces are not required.

Landscaping: The proposed storage additions and deck will not impact the current landscaping requirements. The subject property has already complied with front yard and parking lot landscaping.

Signage: The applicant is not proposing any additional signage at the site with the additional storage buildings and outdoor deck.

Section 18.09 of the Zoning Ordinance sets forth six standards that must be utilized by the Planning Commission in reviewing the site plan. Those standards, along with the remarks are below:

- A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.

REMARKS: All the commissioners agreed this standard has been met.

- B. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.

REMARKS: All the commissioners agreed this standard has been met.

- C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the City of Lowell.

REMARKS: All the commissioners agreed this standard has been met.

- D. Removal or alteration of significant natural features shall be restricted to those areas, which are reasonably necessary to develop the site in accordance with the requirements of this ordinance. The planning commission requires that approved landscaping, buffers, and/or greenbelts be continuously maintained to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

REMARKS: All the commissioners agreed this standard has been met.

- E. Satisfactory assurance shall be provided that the requirements of all other applicable ordinances, codes, and requirements of the City of Lowell will be met.

REMARKS: All the commissioners agreed this standard has been met.

F. The general purposes and spirit of this ordinance and the Comprehensive Plan of the City of Lowell shall be maintained.

REMARKS: All the commissioners agreed this standard has been met.

IT WAS MOVED BY CHAMBERS and seconded by ELLIS to approve the site plan for Buildings Fireplace at 521 W. Main Street with all the conditions that are listed are met.

ROLL CALL: YES: Commissioner Chambers, Commissioner Ellis, Commissioner Plank, Commissioner Schraubau and Chair Barker.

NO: None. Absent: 2. MOTION CARRIED.

d. 2560 Bowes Rd.

Andy Moore with Williams & Works stated this is a relatively small piece of property directly adjacent to the property that Lowell Township owns on the west side of Bowes Rd right where it meets Main St. This odd sliver of property that the City owns is being considered to sell to Lowell Township with the initiative that they include a lease to Vergennes Broadband. The property is presently zoned Industrial and the City has applied for a rezone of that property to be zoned Public Facility to the Planning Commission This will require a Public Hearing to be scheduled for the next Planning Commission meeting, a rezoning ordinance would be drafted and then the Planning Commission would make a recommendation to the City Council for their final approval at their second meeting in March.

e. Set Public Hearing to Remove a Portion of Property in Riverside Park from Master Plan.

Andy explained the land swap using an overhead map showing the land the City would be trading and the land the City would be getting in exchange. This land swap will mean we will need to update the City's adopted Park & Recreation Plan with DNR's specific procedures by removing the traded piece and including the new piece we receive so we do not lose our eligibility for trust fund grants, water/conservation grants, etc. Moore has done his research and feels we do not need to change the Master Plan with this transaction only the Park & Recreation Plan.

Perry Beechum who resides at 924 Riverside and is Chair of the Recreation & Parks Commission spoke and stated that the Parks & Recreation Commission think the development is a great idea but at their last meeting, the motion to recommend this did not go to a vote because the Park & Recreation Committee feel there are a lot of questions unanswered by the Unity School developers. The boat launch is a big concern whether there will be enough space for a truck and trailer to turn around.

Board discussed at length and agrees all the concerns should be ironed out now instead of later but conceded this is a subject they do not need to discuss further at this time as it is in the Park & Recreation Plan not the Master Plan.

f. Recreational Marijuana – Ordinance Discussion.

Andy Moore with William & Works reviewed the memo and talked about how the City goes about

figuring out where these facilities can go from a zoning perspective and fair regulations to go along with that. Moore discussed the amendments that will need to be made to our Ordinance and what sections. Moore stated at a minimum amending Chapter 2, (District Chapters)Chapter 12 (C3), Chapter 12A (Light Industrial), Chapter 13 (Industrial), as these are the three district that make the most sense to revise because these are where such facilities will be permitted.

Moore showed on the City's zoning map the areas where these facilities are allowed. All residential areas will not be eligible.

Perry Beechum who resides at 924 Riverside stated he wanted to commend the city for allowing it because the voters voted for it and that is who you represent. Beechum wanted to recommend not having a facility located next to a park.

Joe Lucas, a lawyer from Belmont who represents Cannabis businesses here in Grand Rapids explained that he has seen in Colorado and other states where there is recreational marijuana passed after medical marijuana, and the dispensary's there will sell both medical and recreational marijuana and the only difference is people with a medical card are able to get a lower tax rate on their Cannabis purchase price.

Ryan Closner who resides at 13992 Grand River Drive just outside the city limits stated that is not correct, medical marijuana and recreational marijuana are completely different and written up under two separate laws so they have to be two completely different establishments and facilities at this time in Michigan.

Andy Moore stated he defers to the City's legal counsel on understanding it and the City really doesn't have a deadline on establishing an Ordinance until later in the fall.

Chair Barker recommended giving Andy a general area to start with where the Planning Commission would want to allow facilities, so areas C3, LI, I and RE. Eliminate the downtown area and the little piece of C3 as well. Andy recommends eliminating C2 as well. Discussed security and that East Lansing and Grand Rapids are going through the same thing so maybe look at what they are doing. Chair Barker recommends focusing on the zoning at this point.

Brad Closure from Eureka Township who owns Closure Farms gave his perspective to the Commissioners as someone who is looking seriously at the City of Lowell area for a marijuana facility.

Joe Lucas, a lawyer from Belmont urged the Commissioners to consider in the statute allowing greenhouse agricultural uses in a C3 zone by special permit to address the dormant properties the city has that have potential future use.

8. **STAFF REPORT.**

There were no reports.

9. **COMMISSIONERS REMARKS.**

There were no remarks.

10. **ADJOURNMENT.**

IT WAS MOVED BY SCHRAUBEN and seconded by CHAMBERS to adjourn at 8:41 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Amy Brown, Deputy Clerk