



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, MARCH 11, 2019 AT 7:00 P.M.

AT THE
LOWELL CITY HALL
CITY COUNCIL CHAMBERS
SECOND FLOOR
301 EAST MAIN STREET

1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS
 - a. February 11, 2019 – Regular Meeting
4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA.

IF YOU WISH TO ADDRESS AN AGENDA ITEM, PUBLIC COMMENT FOR EACH ITEM WILL OCCUR AFTER THE INITIAL INFORMATION IS SHARED ON THE MATTER AND INITIAL DELIBERATIONS BY THE PUBLIC BODY. PUBLIC COMMENT WILL OCCUR BEFORE A VOTE ON THE AGENDA ITEM OCCURS.

5. OLD BUSINESS
 - a. Public Hearing – 2560 Bowes Road
6. NEW BUSINESS
 - a. Recreational Marijuana - Ordinance Discussion
7. STAFF REPORT
8. COMMISSIONERS REMARKS
9. ADJOURNMENT

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, FEBRUARY 11, 201 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 Schrauban and Chair Barker.

NO: None.

Absent: 2.

MOTION CARRIED.

d. 2560 Bowes Lake 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 Vergennes 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



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

CITY OF LOWELL

PUBLIC NOTICE

Please take notice that the Lowell Planning Citizens Advisory Commission will hold a public hearing on Monday, March 11, 2019 at 7:00 pm., in the City Hall at 301 East Main Street, Lowell, Michigan. The subject of the hearing will be:

Proposed rezoning of 2560 Bowes Road from I Industrial to PF Public Facilities

The City of Lowell has submitted an application to rezone 2560 Bowes Road from the Industrial (I) district to the Public Facilities (PF) district.

Copies of documentation on the special land use request and the City's Zoning Ordinance are available for public viewing during regular business hours at Lowell City Hall, 301 East Main Street, Lowell, Michigan. Written Comments will be received until the night of the hearing.

If you are planning to attend this hearing and are handicapped requiring any special assistance, please notify the City Clerk by calling at (616) 897-8457 as soon as possible.

Susan Ullery
City Clerk



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

February 20, 2019

Dear Sir/Madam:

Please take notice that the Lowell Planning Citizens Advisory Commission will hold a public hearing on Monday, March 11, 2019 at 7:00 pm., in the City Hall at 301 East Main Street, Lowell, Michigan. The subject of the hearing will be:

Proposed rezoning of 2560 Bowes Road from I Industrial to PF Public Facilities

The City of Lowell has submitted an application to rezone 2560 Bowes Road from the Industrial (I) district to the Public Facilities (PF) district.

Copies of documentation on the special land use request and the City's Zoning Ordinance are available for public viewing during regular business hours at Lowell City Hall, 301 East Main Street, Lowell, Michigan. Written Comments will be received until the night of the hearing.

If you are planning to attend this hearing and are handicapped requiring any special assistance, please notify the City Clerk by calling at (616) 897-8457 as soon as possible.

Respectfully,

Susan Ullery
City Clerk

williams&works

engineers | surveyors | planners

MEMORANDUM

To: City of Lowell Planning Commission
Date: March 7, 2019
From: Andy Moore, AICP
Whitney Newberry
RE: **2560 Bowes Road – Rezoning Request**

The City of Lowell has submitted an application for rezoning of the property located at 2560 Bowes Road from I, Industrial District to PF, Public Facilities to allow the cooperative use of the property by Lowell Charter Township and Vergennes Broadband. The purpose of this memorandum is to review the request pursuant to the City of Lowell Zoning Ordinance.



Background

The subject property (PPN 41-20-03-371-004) has an irregular shape with an area of approximately 0.39 acres. It is located at 2560 Bowes Road and currently zoned I, Industrial. On October 19, 2018, the City of Lowell opened two bids for the purchase of the subject property, one from Lowell Charter Township and the other from Vergennes Broadband. Previously, Vergennes Broadband discussed their intentions of using the property with the City; however, Lowell Charter Township became interested in the property because of its location adjacent to their new park. While the Township was the highest bidder, the property would become tax exempt through their use. Vergennes Broadband is a for-profit company, so their use would generate revenue for the City. Upon further discussion with both bidders, it was discovered that both bidders do not need to use the entire parcel and a cooperative option was identified for mutual use of the subject property. Therefore, it was recommended that the City sell the subject property to Lowell Charter Township in accordance with Resolution 33-18, which includes two conditions stating that 1) they must enter into a lease agreement with Vergennes Broadband and 2) not detach the property from the City. This Resolution 33-18 was approved by the City Council. In order to accommodate both uses proposed by the bidders, the City of Lowell is requesting to rezone the property from I, Industrial to PF, Public Facilities.

Zoning Review Criteria. Section 22.05 sets forth criteria that must be considered when making a decision on a zoning amendment. These standards are listed below, along with our remarks on each.

1. If the proposed zoning amendment is consistent with the goals, policies, and future land use map of the city's master plan; or, if conditions have changed significantly since the master plan was adopted, if the zoning amendment is consistent with recent development trends in the area;

Remarks: The Lowell Master Plan serves as policy document to guide future land use planning decisions. A goal defined by the Master Plan is that "Lowell will work with adjacent communities to develop a compatible land use pattern that will promote a regional community, cooperating with, but independent of the Grand Rapids metropolitan area." In order to achieve this goal, the Plan outlines an objective that the City "will work with surrounding Townships to develop mutually acceptable service agreements and compatible land uses for development that will benefit all communities." The proposed use of the subject property includes a cooperative agreement between the City and Lowell Township, with benefit to both parties. The development would also be compatible with surrounding land uses. The rezoning of the subject property would allow the cooperative option to occur, thus aligning with the Goals and Objectives of the Master Plan.

The Master Plan identifies "Public" as a land use category intended for public land uses, which may include municipally owned facilities. Lowell Charter Township won the property bid and received ownership of the property. Because the property would be an extension of their new park facility and as a location for some of their utilities, the subject property would align with the future land use for a public space. Although Vergennes Broadband would use a portion of the property, it would be under a lease agreement with the Township. Therefore, the Township's ownership of the property aligns the subject property with the Public future land use. The Planning Commission may find this standard met.

2. If the zoning amendment is compatible with existing or future land uses in the vicinity; and

Remarks: Currently, the subject property is bounded by industrial properties to the northeast and south in the City of Lowell. The City's future land use map anticipates that the subject parcel will remain in the Industrial district, similar to other parcels located along its southern boundary. However, properties adjacent to the northeast property boundary (across Bowes Road) are within the Mixed Use designation.

Presently, the parcel is adjacent to the a Lowell Township Park (west), a DPW substation, (south) and Walgreens and the Lowell Family Medical Center are to the north and east. The proposed use of the property suggests that it will be compatible with both existing and future uses in the area.

Because the Township already created a new park directly west of the subject property, the expansion of public land at this location in the City of Lowell would be a natural extension of planned uses in the Township. Because the Township proposes to use part of the subject property to supplement the park design, primarily for sprinklers, the proposed use of the subject property is consistent with current and future land uses in this area. Therefore, the Planning Commission may find that the proposed rezoning is consistent with the existing and future land use plans of the City of Lowell and Lowell Charter Township.

3. If the site is capable of accommodating all uses allowed by the zoning change, considering existing or planned public infrastructure, including streets, sanitary sewers, storm water, water, sidewalks, and street lighting.

Remarks: Parcels in the Public Facilities district are often associated with governmental, civic, welfare, and recreational facilities. Currently, there is no existing infrastructure on the subject property. Lowell Charter Township has proposed an extension of their new park onto this property. This would primarily include the placement of some utility items, such as a sprinkler system, and Vergennes Broadband communications infrastructure. Due to its proximity to Main Street, facilities and services are near the subject property. It is expected that the property would be able to accommodate all uses allowed in the proposed district. The Planning Commission may find this standard met.

Recommendation

At the March 11, 2019 meeting, the Planning Commission should discuss the site and consider any comments from the applicant and public. Subject to those comments, it is our recommendation that the Planning Commission recommend approval of the request to the City Council.

As always, please feel free to contact us if there are additional questions or comments.



**LOWELL CITY COUNCIL
MEMORANDUM**

DATE: November 29, 2018

TO: Mayor Devore and the Lowell City Council

FROM: Michael T. Burns, City Manager *MTB*

RE: 2560 Bowes RFP

On October 19, 2018, the City opened two bids for the purchase of the 2560 Bowes Rd. property. During the bidding process, we set a minimum price of \$20,000 for the land based on the valuation from the Assessor.

The two bids are from the following:

- Lowell Charter Township - \$20,550
- Vergennes Broadband - \$20,000

Last summer, Vergennes Broadband discussed what they liked to do with the property. At the time, the Council was supportive of the endeavor as it would make the property taxable and provide a small amount of new revenue to the City.

During this process, I was contacted by Lowell Township on their interest in the property as it is adjacent to the new park and would be a tremendous benefit to them.

I agree both entities have a great idea for the use of the .4 acre parcel and the community will benefit from either endeavor. The issue for the City is while the township is the high bidder, this will become tax-exempt property. Whereby Vergennes Broadband is a for profit company and will pay property tax. While I do not have an exact amount, I would anticipate anywhere between \$1,000 to \$2,000 per year. While this may not be a significant amount, any new revenue the City can generate must be considered regardless.

After the bids came in, I exchanged communications with Jerry Hale from Lowell Township and Stephanie and Ryan Peel from Vergennes Broadband. They offered a cooperative option to move forward. The township would move forward with purchasing the land and carve out a portion of it for Vergennes Broadband's needs. Since they do not need the entire parcel of property, the Township can use it for their gateway along Bowes Road and place some utility items there, mainly for a sprinkler system. Since you cannot use public property for a private purpose, the portion of land Vergennes Broadband would use, would become taxable and they would be responsible for the taxes.

I believe this option is a win-win for everyone involved. One stipulation is the parcel remain in the City and cannot be detached. In my discussion with Jerry Hale, he was amenable to this request.

Upon sale of the property, I request the City Council allow me to set aside proceeds to cover payments so I may utilize these for funding retiree healthcare premiums in the 2020 fiscal year. This would allow me to utilize the money I would have budgeted to be set aside for an out year. I would like to set aside funding, as we are anticipating some future retirements.

At our November 5, 2018, City Council meeting, Resolution 33-18 was introduced to the City Council pertaining to the sale of 2560 Bowes. Per the Section 13-3 of the City Charter, this resolution needs to sit for public inspection for 20 days before the City Council can approve it. This stipulation has been met. This resolution would also require four affirmative votes of City Council members.

I recommend the Lowell City Council approve Resolution 33-18 to enter into an agreement with the Lowell Township to sell 2560 Bowes at a cost not to exceed \$20,555 contingent upon them entering into a lease agreement with Vergennes Broadband and the agreement not to detach the property from the City.

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

RESOLUTION NO. 33-18

**RESOLUTION APPROVING THE SALE OF 2560 BOWES
ROAD TO LOWELL CHARTER TOWNSHIP**

Councilmember _____, supported by Councilmember _____,

moved the adoption of the following resolution:

WHEREAS, the City advertised for bids for the purchase of City-owned property at 2560 Bowes Road (the "Property"); and

WHEREAS, the City received two bids, one from Lowell Charter Township (the "Township") in the amount of \$20,550 and the other from Vergennes Broadband in the amount of \$20,000; and

WHEREAS, as the City has determined that the Township's bid is the highest bid, and has determined to sell the Property to the Township for the bid amount, subject to the terms and conditions of this resolution.

NOW, THEREFORE, BE IT RESOLVED:

1. That the City shall sell Property through conveyance by quit claim deed to the Township for a purchase price of \$20,550.
2. That the quit claim deed conveying the Property shall contain a covenant that the Property shall always remain within the jurisdictional boundaries of the City.
3. That, as a condition of sale, the Township shall provide documentation, acceptable to the City, that the Township has leased a portion of the Property to Vergennes Broadband for location of some of its operating equipment.

4. That all resolutions or parts of resolutions in conflict herewith shall be, and the same are, hereby rescinded.

YEAS: Councilmembers _____

NAYS: Councilmembers _____

ABSTAIN: Councilmembers _____

ABSENT: Councilmembers _____

RESOLUTION DECLARED ADOPTED.

Dated: November 5, 2018

Susan Ullery, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lowell, at a regular meeting held on November 5, 2018, and that public notice of said meeting was given pursuant to, and in compliance with, Act 267 of the Public Acts of Michigan of 1976, as amended.

Dated: November 5, 2018

Susan Ullery, City Clerk

INVITATION TO BID

PURCHASE OF 2560 BOWES ROAD

The City of Lowell, Michigan will receive sealed bids at the City Clerk's Office, 301 East Main Street, Lowell, Michigan 49331 to purchase the parcel owned by the City located at 2560 Bowes Road until Thursday October 18, 2018 at 11:00 AM.

Bids will be publicly opened and read at that time in the Flat River Conference Room of the Lowell City Office, 301 East Main St., Lowell Michigan. Bids should be submitted in sealed envelopes plainly marked "Purchase of 2560 Bowes – CITY OF LOWELL".

Bids are being solicited from those interested in owning the property. The Property is currently zoned Industrial. Minimum purchase price for the property is \$20,000. The City will convey the property by quit claim deed and will not provide either a survey, title insurance or an environmental representations with respect to the property.

Proposal forms and specifications are on file for the inspection of bidders at the Lowell City Offices, 301 East Main Street and copies may be obtained by qualified bidders. Bidders can also go to www.ci.lowell.mi.us to receive a copy of the bid.

The City Council reserves the right to reject any or all bids and to accept any bid, or portion thereof, which, in its opinion, is most advantageous to the City.

**BID SUBMITTED TO THE CITY OF LOWELL, MICHIGAN
REGARDING PURCHASE OF 2560 BOWES ROAD**

City of Lowell
301 East Main Street
Lowell, Michigan 49331

The undersigned hereby declares that this bid is made in good faith without fraud or collusion with any person or persons bidding on the same; that he/she has carefully read and examined the invitation for bid and understands all of the same; that he/she has made such personal investigation of the property. Bidder proposes and agrees that if this Proposal is accepted, bidder will acquire the property by way of a quit claim deed from the City.

The City reserves the right to accept or reject any and/or all bids, to waive any irregularities and/or errors in the bids, negotiate with any bidder, or to select the bid the City determines is most advantageous to it.

The successful bidder agrees that its bid shall be good, may not be withdrawn and may be accepted by the City for a period of ninety (90) calendar days after the scheduled closing time for receiving bids.

Upon receipt of a written notice of award of the bid, the successful bidder shall purchase the property within 10 calendar days.

Pursuant to the City's invitation for bid for the purchase of property at 2560 Bowes Road dated _____, I submit the following bid.

I will meet all of the requirements listed above and in the invitation for bid as outlined in this bid proposal

Purchase amount for property _____

Company _____

Address _____

Phone _____

Authorized Agent _____

Signature _____

Title _____

Date _____

2560 BOWES ST SE LOWELL, MI 49331 (Property Address)

Parcel Number: 41-20-03-371-004



Property Owner: CITY OF LOWELL

Summary Information

> Assessed Value: \$0 | Taxable Value: \$0

> Property Tax information found

Item 1 of 1

1 Image / 0 Sketches

Parcel is Vacant

Owner and Taxpayer Information

Owner	CITY OF LOWELL 301 E MAIN ST SE LOWELL, MI 49331	Taxpayer	SEE OWNER INFORMATION
--------------	--	-----------------	-----------------------

General Information for Tax Year 2018

Property Class	EXEMPTCITY VILLAGE TWP	Unit	72 CITY OF LOWELL
School District	District 41170	Assessed Value	\$0
MAP #	No Data to Display	Taxable Value	\$0
USER NUM IDX	0	State Equalized Value	\$0
USER ALPHA 1	Not Available	Date of Last Name Change	05/09/2017
USER ALPHA 3	Not Available	Notes	Not Available
Historical District	No	Census Block Group	No Data to Display
USER ALPHA 2	Not Available	Exemption	No Data to Display

Principal Residence Exemption Information

Homestead Date No Data to Display

Principal Residence Exemption	June 1st	Final
2017	0.0000 %	0.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2017	\$0	\$0	\$0
2016	\$0	\$0	\$0
2015	\$0	\$0	\$0

Land Information

Zoning Code	Not Available	Total Acres	0.390
Land Value	\$21,235	Land Improvements	\$0
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	LOWELL - EXEMPT	Mortgage Code	No Data to Display
Lot Dimensions/Comments	Not Available	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
No lots found.		

Total Frontage: 0.00 ft

Average Depth: 0.00 ft

Legal Description

412003371004 PART OF SW 1/4 COM 106.96 FT N 00.46M 16S E ALONG W SEC LINE FROM SW COR OF SEC TH NELY 94.12 FT ON A 127.0 FT RAD CURVE TO LT /LONG CHORD BEARS N 67D 53M 37S E 91.98 FT/ TH N 46D 39M 45S E 58.43 FT TO SWLY LINE OF BOWES ST /66 FT WIDE/ TH NWLY 237.19 FT ALONG SD

2560 Bowes



© 2013 REGIS All Rights Reserved

This map does not represent a legal document. It is intended to serve as an aid in graphic representation only. Information shown on this map is not warranted for accuracy and should be verified through other means. Any duplication is restricted under copyright laws and the Enhanced Access to Public Records Act PA 462 of 1996, as amended.

Printed 9/13/2018 9:22:49 AM

williams&works

engineers | surveyors | planners

MEMORANDUM

To: City of Lowell Planning Commission
Date: March 7, 2019
From: Andy Moore, AICP
Whitney Newberry
RE: **Recreational Marihuana Odor Regulation**

During the February 11, 2019 meeting, several planning and zoning options were discussed to begin the process of effectively regulating recreational marihuana establishments. As you know, odor is a primary concern that must be considered when writing regulatory standards for the City's Zoning Ordinance, and the Commission requested additional information and examples related to odor control. Thus, the purpose of this memorandum is to review different options for regulating odor as it relates to recreational marihuana establishments.

Regulation of Odor

Several zoning ordinances for municipalities in California, Colorado, and Michigan were reviewed concerning their regulations on recreational marihuana odor. Many municipalities address odor by requiring an odor management plan. In 2016, the City of Denver (CO) created an Ordinance for air pollution control and revised its regulations to require marihuana cultivation and marijuana infused product facilities to submit odor control plans to the City. The City of Longmont (CO), also regulated odor through an odor management plan for retail recreational marihuana establishments. This plan details how the licensee intends to prevent "any odor from the licensed premises from being perceptible to an ordinary person at the exterior of the building of the licensed premises or at any space adjoining the licensed premises." Should this regulation be violated, the licensee may receive a civil penalty, or have their license suspended or revoked. This is also similar to the method of regulation employed by Alameda County (CA), which requires a description of the methods by which the applicant will "mitigate any potentially adverse impacts, such as loitering, odors or noise, on surrounding property owners." In this case, the marihuana dispensary must also be designed as follows:

The dispensary shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the dispensary is not detected outside the building in which it operates, on adjacent public rights-of-way, or within other units located within the same building as the dispensary if it occupies only a portion of the building.

Municipalities that do not require an odor management plan were often found to have general requirements for controlling marihuana odor, which prohibit odor from escaping the property line. This is evidenced through the regulations of Boulder County and Summit County (CO).

Section 3804.04 (J) in the Summit County (CO) Zoning Ordinance states the following concerning residential cultivation of marijuana:

The smell or odor of marijuana growing within the primary residence shall not be capable of being detected by a person with a normal sense of smell from any adjoining lot, building unit, parcel or tract of land not owned by the owner of the primary residence, or from any adjoining public right of way.

El Dorado County (CA) addresses marihuana odor in a more comprehensive manner. This includes a process by which the marihuana odor can be measured by the County with a field olfactometer at the property line. Odors with a dilution to threshold value greater than 7 are considered a disturbance to surrounding properties. The mitigation of odor may be addressed through greenhouse or hoop houses with an activated carbon filtration or equivalent odor abatement control equipment on the air exhaust, increasing the required setback, growing fewer plants, or only growing low odor cannabis strains. The complete regulation is attached at the end of this memo.

The City of Boulder (CO) Zoning Ordinance contains also contains specific regulations regarding odor control of marihuana. These include provisions so that the odor cannot be detected from outside the premises and interfere with the "reasonable and comfortable use" of a neighboring property. These provisions are attached at the end of this memo.

While reviewing local regulations, East Lansing and Grand Rapids, Michigan have extensive regulations related to controlling medical marihuana odors. These both require a carbon filtration system in order to prevent odor from escaping the premises. Section 5.9.19 F, 3, j, of the Grand Rapids Zoning Ordinance describes several additional methods that must be used to control marihuana odors. These include the requirements of negative air pressure inside the building and having doors and windows remain closed except for the minimum time needed for people to ingress/egress the building. These provisions are attached to the end of this memo.

Next Steps

At the March 11 meeting, please be prepared to discuss the options for marihuana odor regulations, as outlined in this memorandum. These are intended to serve as a background from which we can draft odor provisions for the City's ordinance. We anticipate that drafting an ordinance for the Commission's review in April. The Planning Commission will also need to conduct a public hearing prior to making a recommendation on to City Council later this spring.

As always, please feel free to contact me if there are any questions.

c: Mike Burns, City Manager
Dick Wendt, City Attorney
Jessica Wood, City Attorney

County of El Dorado California Zoning Ordinance

enforced by the Department of Pesticide Regulation and the County agricultural commissioner under the authority of the California Food and Agriculture Code section 11501.5; and

6. Not allow the discharge of sediment from the site or the degradation of water quality of any water body.
- b. The premises where the cultivation of medical cannabis takes place shall either be connected to a public sewer system or have a County inspected and approved sewage disposal system.
- c. Persons engaging in the cultivation of medical cannabis shall use, dispose, and store chemicals used in such cultivation pursuant to applicable laws and labeling requirements.
9. *Disposal of waste material.* Cannabis waste material shall be disposed of in accordance with existing state and local laws and regulations at the time of disposal. Burning of medical cannabis waste material is prohibited.
10. *Contact information.* The names, contact information, doctor's recommendation for each person cultivating or participating in the cultivation of cannabis on the premises, and the doctor's name and contact information, along with the patient's medical cannabis identification number or card, if applicable, shall be posted at the site of cultivation and made available to enforcement personnel at the time of inspection.
11. *Odor.* The cultivating, drying, curing, processing, and storing of medical cannabis shall not adversely affect the health, safety, or enjoyment of property of persons residing near the property on which medical cannabis is cultivated due to dust, noise, smoke, or odors that are disturbing to people of normal sensitivity. Any cannabis odor shall not be equal or greater than a 7 dilution threshold ("DT") when measured by the County with a field olfactometer at the property line on which the cannabis is cultivated for a minimum of two olfactometer observations not less than fifteen minutes apart within a one hour period ("7 DT one hour"). If the odor from cannabis cultivating, drying, curing, processing, or storing violates this subsection, the County will notify the responsible person and that person must reduce the odor below the 7 DT one hour at property line threshold within the time required by the County. The County may require or suggest the installation of one or more odor control options, which may include but are not limited to the use of a greenhouse or hoop house that includes activated carbon filtration or equivalent odor abatement control equipment on the air exhaust, increasing the required setback, growing fewer plants, or growing only low odor cannabis strains. Installation of certain odor control options may require a permit. Any such notice requiring the use of one or more odor control options will provide a deadline for completion and the dilution threshold will be retested upon expiration of that deadline. The continued odor in excess of 7 DT one hour upon retesting will constitute a violation of this Chapter subject to enforcement and abatement.

City of Boulder Colorado Zoning Ordinance

5-10-6. - Marijuana Odor Emissions.

- (a) No person, tenant, occupant, or property owner shall permit the emission of marijuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property.
- (b) Whether or not a marijuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity.
- (c) A marijuana odor emission shall be deemed to interfere with the reasonable and comfortable use and enjoyment of property if marijuana odor is detectable outside the premises.
- (d) No person shall be convicted of a violation of this section unless the city manager has delivered or posted a written warning, in the previous twelve months, that conduct violating this section is occurring or has occurred.
 - (1) The person, tenant, occupant, or property owner must abate the marijuana odor emission within seven days after the warning is delivered or posted.
 - (2) Seven or more days after a warning is posted or delivered, a separate violation of this section occurs on each day that the marijuana odor emission repeats or continues.
 - (3) The warning shall cite this section.
 - (4) The warning may be delivered personally or posted on the property.
 - (5) It shall be presumed that a person charged under this section received the warning if the warning was either (i) delivered to the property owner, a tenant, or an occupant; or (ii) posted on the property.
- (e) Extended grace period for licensed marijuana cultivation facilities. No person who receives a warning at a licensed marijuana cultivation facility shall be convicted of a violation that allegedly occurred within ninety days after the first warning issued pursuant to Subsection (d), if all of the following conditions are met:
 - (1) A first warning within twelve months was previously issued pursuant to Subsection (d) of this section for the person's property, and the subject property is licensed as a marijuana cultivation facility by the city or the state;
 - (2) Seven or fewer days after the warning was posted or delivered, the person submitted a written document to the city manager which explained (i) why the marijuana odor emissions could not be abated within seven days feasibly, and (ii) how the person planned to abate the marijuana odor emission in the following ninety days;
 - (3) The person receiving the warning has diligently pursued to completion the plans for abating the marijuana odor emission; and
 - (4) The written document described in Paragraph (2) was submitted fewer than ninety days before the date of the violation.

Ordinance Nos. 7931 (2013); 8240 (2018)

City of Grand Rapids Zoning Ordinance

- d. Interior walls between waiting rooms and display areas shall be forty (40) percent glass if the separation wall is thirty (30) feet or less away from the inside of the exterior building wall for the purposes of maintaining an active storefront.
 - e. Interior lighting shall not be so bright so as to create a nuisance to neighboring property owners or passersby.
 - f. Provisioning centers may not be open to customers between the hours of 9:00 p.m. and 9:00 a.m. The main entry of the business establishment will be wheel-chair accessible.
 - g. A sign shall be posted in viewable location from the public right-of-way that contains contact information.
 - h. The separation of plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit shall only be allowed in the IT Industrial-Transportation zone district.
 - i. Ventilation, by-product and waste disposal, and water management (supply and disposal) for the facility will not produce contamination of air, water, or soil; or reduce the expected life of the building due to heat and mold; or create other hazards that may negatively impact the structure and/or surrounding properties.
 - j. Odors must be controlled and eliminated by the following methods:
 - i. The building must be equipped with an activated air scrubbing and carbon filtration system that eliminates all odors prior to leaving the building. Fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - ii. Air scrubbing and filtration system must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.
 - iii. Negative air pressure must be maintained inside the building.
 - iv. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
 - v. An Administrative Departure may be granted for an alternative odor control system if a mechanical engineer licensed in the State of Michigan submits a report that sufficiently demonstrates the alternative system will be equal to or better than the air scrubbing and carbon filtration system otherwise required.
- G. Annual fee. A licensee must pay a registration fee of \$5,000, for each license used within the city in order to help defray administrative, compliance monitoring and enforcement costs. The holder of a stacked grower license must pay a separate fee in the amount of \$5,000 for each license. The initial annual registration fee(s) must be paid when the application for City approval is submitted. In each subsequent year, registration fees are due on the effective date of the land use approval. The annual registration fee is in addition to, not in lieu of, any other licensing and permitting requirements imposed by any law, state regulatory agency, or by City ordinance.
- H. Consumption. No smoking, inhalation, or other consumption of marihuana shall take place on or within the premises of any facility. It shall be a violation of this Chapter to engage in such behavior, or for a person to knowingly allow such behavior to occur. All of the following will give rise to the rebuttable presumption that a person allowed the consumption of marihuana on or within the premises:

Sue Ullery

From: Bruce Barker <brucebarker@hotmail.com>
Sent: Thursday, February 21, 2019 9:12 AM
To: Andy Moore; Mike Burns; Sue Ullery
Subject: Fw: Lowell Marijuana Ordinance

Please pass on to all involved, thanks Bruce

From: JOE LUCAS <joelucas06@comcast.net>
Sent: Wednesday, February 20, 2019 9:53 PM
To: BruceBarker@hotmail.com
Subject: Lowell Marijuana Ordinance

Dear Mr. Barker,

I'm an attorney, and I represent a company that wants to establish a cannabis business in Lowell, and I addressed the Commission during the meeting on February 11, 2019. The company is composed of all Kent County individuals who have extensive retail and commercial backgrounds.

At the meeting, I was a bit confused about the city's plan to allow recreational sales of cannabis without having any discussion about allowing facilities that sell medical cannabis. The framework for recreational sales has not yet been established by the state, and I'm not sure what timeline is expected, if one even exists.. However, as I'm sure you know, medical marijuana facilities have been authorized state-wide, and left to local communities to decide whether they want them, or not. They do that by passing a zoning amendment much like the one the Planning Commission will be considering in the coming months.

I've been focusing on cannabis law in Michigan for more than two years now. I firmly believe that the state regulatory framework for recreational marijuana sales, and the facilities that will make those sales, will mirror the framework that the State has implemented for medical marijuana facilities. I believe further that those entities what are qualified for medical sales will also be qualified for recreational sales by the state. After all, its the exact same product and controls. The only difference will be the customer. I believe it will be a matter of paying for an additional permit as part of the state license, sort of like how Sunday sales are an additional permit purchased by a liquor store.

Does it not make sense then, for the city to consider adopting an ordinance that allows medical sales now, and recreational sales when that state licensing framework will exist. That way, any business looking to set up operations does not have to wait for the state to establish the recreational sale facilities rules and application process. An applicant can obtain its permit from Lowell to sell medical marijuana, and then when recreational sales are allowed, it can apply for that license from the state.

I believe the election numbers support this position. Kent County Clerk records show medical marijuana was supported by Lowell voters 1121 for to 729 against in 2008 (60 percent) and recreation marijuana was supported 984 to 689 against, in 2018 (58.8 percent).

I hope you consider my request that the city adopt an ordinance that allows medical marijuana sales as well as recreational sales so that businesses can begin planning now, rather than wait until the recreational sales license procedure is set by the state.

Please feel free to call me if you have any questions or concerns. 616-446-1819.

Sincerely,

Joe Lucas

2018

<u>Open Date</u>	<u>Close Date</u>	<u>Address</u>	<u>Name/Business</u>	<u>Subject</u>
01/09/2018	01/09/2018	2535 Gee Drive	Howard Barriger	Finish Basement
01/30/2018	02/12/2018	219 E. Main	National Park Service	Sign Permit
02/07/2018	02/13/2018	621 E. Main	Lowell Methodist Church	Playground Equip.
02/23/2018	02/23/2018	1001 Heffron	Joe Runstrom	Addition
03/15/2018	03/19/2018	2535 Gee Drive	Howard Barriger	Detached garage
3/28/2018		804 Riverside Dr	Gail VanStee	Fence
04/09/2018	08/13/2018	930 W. Main	Betten Baker/Pioneer	New Building
04/11/2018	04/11/2018	517 N. Hudson	Philip Hansen	Renovation
04/23/2018	04/23/2018	624 Lafayette	Anne Dimmick	Deck
04/27/2018	06/15/2018	610 E Main	Brianna & Jacob Furlong	Fence
05/03/2018		722 N Hudson St	Brent & Hannah Sutterfield	Privacy Fence
05/14/18		152 S. Pleasant	Jasmin Bajric (call him Yas)	New bathroom, windows and siding
05/14/18		724 Riverside Dr	John Hruska	Privacy Fence
06/01/18	06/01/2018	1359 Highland Hill	Chris Gonzalez	Deck
06/04/2018	06/05/2018	201 N. Washington	Lowell Church of the Nazarene	Front Steps
06/06/2018	06/07/2018	814 Grindle	Jason Winn	Above ground pool
06/04/2018	06/11/2018	721 E. Main	Roman Tapia	Deck
06/01/2018	06/11/2018	350 N. Center	Laurels of Kent	Awning
06/27/2018	09/26/2018	609 Lafayette	Rachel Devries	Fence
06/28/2018	08/13/2018	104 W. Main	Holly Cooper	Sign
07/02/2018		1301 Sibley St	Luis Luna	Fence
07/09/2018	11/08/2018	511 Avery	Doris Bishop	Fence
07/03/2018	07/30/2018	512 E. Main	FROM	Demo

[illegible]

[illegible]