

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, MAY 11, 2020 AT 7:00 P.M.
ZOOM MEETING**

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

The Meeting was called to order at 7:05 p.m. by Chair Barker.

Present: Commissioners Michael Gadula, Marty Chambers, Amanda Schrauben, Colin Plank and Chair Bruce Barker.

Absent: Commissioners Cadwallader and Ellis.

Also Present: Andy Moore with William & Works and Lowell City Clerk Sue Ullery.

2. **EXCUSE OF ABSENCES.**

IT WAS MOVED BY CHAMBERS and seconded by GADULA to excuse the absences of Commissioners Cadwallader and Ellis.

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

3. **APPROVAL OF AGENDA.**

IT WAS MOVED BY CHAMBERS and seconded by GADULA to approve the agenda as written.

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

4. **APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING.**

IT WAS MOVED BY GADULA and seconded by PLANK to approve the minutes of the March 9, 2020 Planning Commission regular meeting as written.

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

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

There were no comments.

6.. **OLD BUSINESS.**

a. Airbnb Update – 2179 Gee Drive – John Baar

John Baar at 2179 Gee Drive updated the Planning Commission on the Special Land Use that was approved a couple years ago for an Airbnb to be located at 2179 Gee Drive. He indicated the year has gone great and he has emailed the fire department and the police department every Sunday with any guest stays within the following 2 weeks.

Baar request to increase the limit of cars allowed on my property to 8.

Chair Barker recommended leaving the limit at 6.

IT WAS MOVED BY CHAMBERS and seconded by BARKER to leave the vehicle limit at 6 and review again in May of 2021.

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

b. Riverview Flats – Revised Plans.

Andy Moore of William and Works stated the applicant is planning a substantial change to the layout of Riverview Flats PUD. They are reconfiguring streets and parking. This is going to be a significant change and will need to come back to the Planning Commission next month. The intent at this meeting is to provide a brief update.

Applicant Todd Schaal explained stated there has been much time to study ideas and have come up with a plan to put a third floor on the front of the school building which is within the height with the zoning ordinance. This will allow them to reduce the number of units on the northeast corner which is currently vacant. They have been able to increase parking on the site and reduce the building footprint for more green space. They also dropped the drive on Monroe for more greenspace as well.

He will present a revised plan in June.

7. **NEW BUSINESS.**

a. Administrative Site Plan Review – 1070 N. Hudson – The YMCA of Great Grand Rapids.

Andy Moore with Williams and Works provided an overview of the YMCA Site Plan Review.

Jarrad Pitts, on behalf of the YMCA of Greater Grand Rapids, has submitted an application for site plan review to relocate the Lowell Y into the previous Impact Church building at 1070 N. Hudson Street SE (PPN 41-20-02-126-052). The subject property is located in the PF Public Facilities district. Civic uses are permitted by right in the PF district.

The applicant is not proposing any additional, alterations, or exterior changes to the building. Therefore, because the use is also permitted by right in the PF district, our opinion is that the Zoning Enforcement Officer should be the reviewing body for the site plan in accordance with Section 18.03 B.

b. Public Hearing – Rair Special Land Use – 2264 W. Main.

Rair Chief Executive Kevin McFadden explained their operation. They are a seed to sale company and control every aspect of the company. The site will be improved significantly.

City Clerk Susan Ullery read a letter into record from First Baptist Church located at 2275 W. Main indicating they were not in support of the facility.

McFadden commented on parking requirements and believed they were adequate as this would level out once other dispensary's open up.

Commissioner Chambers suggested employees park off sight for a short term period.

Andy Moore with Williams and Works went through the Site Plan/Special Land Use application and its standards. He also provided a memo which consisted of background information, landscaping, parking, lighting and signage.

Commissioner Cadwallader joined the meeting.

Lowell resident Olivia Geiger questioned the long term goal for such a facility. McFadden responded the longer term gain is to own and operate and stay here in the City of Lowell.

The Planning Commission reviewed the Site Plan Review Standards and agreed that all standards had been met.

The Planning Commission reviewed the Special Land Use Review Standards and agreed that all standards had been met.

The Planning Commission reviewed the Adult use Marihuana Establishment Special Land Use Standards.

McFadden indicated they would provide a fence around the dumpster and lock. It will be screened and placed toward the rear part of the property.

Tracy Hutchinson with Driensenga and Assoc. stated minor site plan changes would be made as requested.

Moore reviewed the engineer remarks as well. McFadden noted they would comply with standards.

All commissioners voted to accept the engineering remarks.

The public hearing was closed.

IT WAS MOVED BY CHAMBERS and seconded by CADWALLADER to approve the Special Land Use at 2264 W. Main with the conditions as follows:

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 comply with any requirements from the City's Department of Public Works, City Engineer, City Fire Department, City Police Department, or other City officials.
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 continually comply with applicable ordinances, codes, and requirements of the City of Lowell.
5. The applicant shall include all missing items as required in Section 18.04 B, 17.04 FF(3) and 17.04 FF(4) and noted above in "Completeness of Submission" on the site plan, unless deemed unnecessary by the Zoning Enforcement Officer.
6. The applicant shall submit a copy of a provisional license issued by the City of Lowell pursuant to Chapter 28 of the city of Lowell code of ordinances. The facility shall not open until appropriate operating licenses have been obtained from the City of Lowell and the State of Michigan.
7. The applicant shall submit a copy of the state license to operate the marihuana facility to the City.
8. Lighting shall be no more than ½ foot candle along private property boundaries in accordance with Section 4.24 E(1) of the Zoning Ordinance.
9. Signage shall comply with Chapter 20 of the Zoning Ordinance and a sign permit shall be obtained prior to the erection of any signage on the site.
10. The security plan shall address the items outlined in our confidential memo dated May 4, 2020.

11. Plant materials and lawn areas shall be maintained in a healthy condition and be neat and orderly in appearance. If any plant material required by this Ordinance dies or becomes diseased, it shall be replaced.
12. The applicant shall establish a cross access easement that would connect to the Ferrell Gas site. This shall be reviewed and approved City staff and be recorded by the Kent County Register of Deeds.
13. A permit shall be obtained from the Kent County Health Department for the construction of a private sewer system on the property.
14. An MDOT driveway permit shall be obtained prior to occupancy.
15. The trash enclosure shall be secure and locked at all times.
16. The marihuana establishment shall not also sell alcoholic beverages or tobacco products.
17. The marihuana establishment shall comply at all times and in all circumstances with the MTRMA and applicable Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.
18. The owner and/or licensee shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from and are provided to other permitted and licensed cannabis operations. The city shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the city upon request.
19. All marihuana and marihuana accessories shall be located within an enclosed, locked area, inaccessible on all sides, and equipped with locks that permit access only by the licensed operator or their employees, agents of LARA, law enforcement officers, emergency personnel, and other authorized individuals, as reviewed and approved by the city.
20. In the event of any conflict, the terms of this approval are preempted and the controlling authority shall be the statutory regulations set forth by the MRTMA or the adopted Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.

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

NO: None. ABSENT: Commissioner Ellis MOTION CARRIED.

c. Public Hearing – Lume Special Land Use – 1425 W. Main.

John Abbo with Lume explained they are a cannabis business and own/operated a 50,000 square foot grow facility. They currently use this facility to supply their eight retail locations throughout the State.

Andy Moore with Williams and Works explained the subject property has an area of approximately 1.35 acres and is within the C3 General Business district. Currently, the property contains a building that was previously used as a chiropractic office since 2014 and a Huntington Bank before that. The applicant is proposing to utilize the existing building for the adult use marijuana establishment.

Moore reviewed the required setbacks, existing and proposed features, adjacent zoning, fencing and utilities. He also reviewed lighting, landscaping, parking. He was concerned that there wasn't enough parking and suggested additional parking area to the west of the building, designate the area to the east of the building as deferred parking or develop a temporary arrangement with O'Reilly Auto Parts to the west and/or Rite Aid to accommodate additional parking.

The Planning Commission reviewed the Site Plan Review Standards and agreed that all standards had been met.

The Planning Commission reviewed the Special Land Use Review Standards and agreed that all standards had been met.

The Planning Commission reviewed the Adult use Marihuana Establishment Special Land Use Standards and agreed that all standards had been met.

The Commissioners discussed parking and thought it would be a good idea to have some deferred parking. Steve Sorensen stated they can definitely add this into the plan and provide the cross access and then add deferred parking if necessary at a later time.

Abbo commented on the negative air pressure issue asked if it would be ok to provide a professional letter explaining why this is unnecessary.

It was noted there would be no dumpster on site.

IT WAS MOVED BY BARKER and seconded by CADWALLADER to approve the special land use at 1425 W. Main with the conditions as follows:

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 comply with any requirements from the City's Department of Public Works, City Engineer, or other City officials.
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 continually comply with applicable ordinances, codes, and requirements of the City of Lowell.
5. The applicant shall submit a copy of a provisional license issued by the City of Lowell pursuant to Chapter 28 of the city of Lowell code of ordinances. The facility shall not open until appropriate operating licenses have been obtained from the City of Lowell and the State of Michigan.
6. Any additional exterior lighting shall comply with the lighting standards of Section 4.24 and 19.03 C of the Zoning Ordinance.
7. Signage shall comply with Chapter 20 of the Zoning Ordinance.
8. Parking calculations shall be included on the site plan demonstrating the required number of spaces are met for the retail use. The Planning Commission may require one or more of the following provisions to address parking:
 - a. Designate the area to the east of the building as deferred parking,
 - b. Develop a temporary arrangement with O'Reilly Auto Parts (to the west) and/or Rite Aid (to the east, across Valley Vista) to accommodate additional parking for Lume.
 - c. Provide additional employee parking in drive through area

9. The applicant shall replace the existing split rail fence with a 6' privacy fence along the northern property line adjacent to 146 Valley Vista and 1436 Deborah. The fence shall be lined with arbor vitae on the south side of the fence at a sufficiently regular interval to form a solid hedge the entire length of the fence.
10. The applicant shall establish a cross access easement that would connect to the O'Reilly Auto Parts site. This shall be reviewed and approved City staff and be recorded by the Kent County Register of Deeds.
11. All landscaping, buffers and/or greenbelts shall be continuously maintained to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
12. The security plan shall address the items outlined in our confidential memo dated May 6, 2020, and any other items identified by the City's law enforcement personnel.
13. All waste receptacles containing marihuana products and the trash enclosure shall be secure and locked at all times.
14. Disposal of marihuana by-products or waste shall be in accordance with the rules promulgated by LARA.
15. The Planning Commission may require that the applicant maintain negative air pressure in the building, except for the minimum time necessary for ingress and egress from the building, or provide a letter from a qualified professional if negative air pressure is not necessary.
16. The marihuana establishment shall not also sell alcoholic beverages or tobacco products, and the existing drive-through facility will not be used for any purpose other than employee parking.
17. The marihuana establishment shall comply at all times and in all circumstances with the MTRMA and applicable Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.
18. The owner and/or licensee shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from and are provided to other permitted and licensed cannabis operations. The city shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the city upon request.
19. All marihuana and marihuana accessories shall be located within an enclosed, locked area, inaccessible on all sides, and equipped with locks that permit access only by the licensed operator or their employees, agents of LARA, law enforcement officers, emergency personnel, and other authorized individuals, as reviewed and approved by the city.
20. In the event of any conflict, the terms of this approval are preempted and the controlling authority shall be the statutory regulations set forth by the MRTMA or the adopted Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.
21. Hours of operation shall be 9a-9p Mon through Sat, 10a-6p Sunday.

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

NO: None. ABSENT: Commissioner Ellis MOTION CARRIED.

8. **STAFF REPORT.**

Mike Burns noted another application was received from today.

9. **COMMISSIONERS REMARKS.**

Chair Barker thanked everyone for attending the meeting.

10. **ADJOURNMENT.**

IT WAS MOVED BY CADWALLADER and seconded by CHAMBERS to adjourn at 9:44 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan Ullery, Lowell City Clerk