

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, NOVEMBER 9, 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, Collin Plank and Chair Bruce Barker.

Absent: Commissioners David Cadwallader and Amanda Schrauben.

Also Present: City Manager Mike Burns, Andy Moore with William & Works and Lowell Deputy City Clerk Amy Brown.

2. **EXCUSE OF ABSENCES.**

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

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

3. **APPROVAL OF AGENDA.**

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

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

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

IT WAS MOVED BY ELLIS and seconded by CHAMBERS to approve the minutes from the October 12 Regular Planning Commission 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. **Grand Rapids Gravel – 2014 Bowes – Continued review of Site Plan Review and Special Land Use.**

Andy Moore with Williams and Works recalled at the last meeting we reviewed the standards outlined in their staff report dated August 9, 2020. This is a 63.7 acre parcel owned by Grand Rapids Gravel. The applicant expects that the mining operation will occur for 10 years resulting in a 22.5 acre lake which the applicant desires to create a residential development. A volume of 322,000 cubic yards is expected to be removed from the site.

Williams and Works Hydro geological engineer Dan Waylen was also present to answer and questions or concerns.

The applicant provided an overview to some things that have changed. If the Commission is comfortable moving forward Moore suggested they request Williams and Works to prepare findings and conditions of approval that can be entertained at the December 14, 2020 Planning Commission meeting.

The Commissioners, Waylen and the developer discussed the concerns of such a development near the City's well and other smaller wells further north.

James Dykema from Grand Rapids Gravel explained the changes to the site plan and addressed concerns the Commission had from the previous meeting.

By general consensus, the Commission decided to delay voting on the plan until the December 14, 2020, at which time a motion can be made with any specific conditions.

7. **NEW BUSINESS.**

a. New Union Brewery Site Plan Amendment – 400 and 420 W. Main.

Tyler Velting with New Union Brewery stated they are proposing an outdoor pavilion seating area. With the old mill being demolished, this allows for additional seating and parking.

Andy Moore will Williams and Works explained a few years ago they received a special land use approval using a single parcel at 400 West Main. In order to allow for an expanded use, the applicant proposed to combine the parcel at 400 West Main, the adjacent parcel at 420 West Main, and half of the old right-of-way between 420 and 508 West Main. Together, the property will be approximately 0.89 acres in the C-3 zoning district. This review is based upon the assumption that these parcels will be successfully combined.

The applicant is proposing to expand the existing use to include a 36x40 foot outdoor seating area with a concrete patio and roof. The roof would also extend an additional six feet farther along the front of the building to create a new entry porch. The applicant intends to replace the existing outdoor seating area with this new arrangement to accommodate more customers.

The Commissioners reviewed the site plan review criteria.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to accept all six of the site plan review criteria without any additional conditions.

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

Moore recommended the proposed site plan amendment be approved with 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 to combine the parcels at 400 and 420 West Main Street (PPN 41-20-02-346-002 and 41-20-02-346-001), along with half of the old right of way between 420 and 508 West Main Street.
5. Any proposed lighting must be reviewed and approved by the Zoning Enforcement Officer prior to construction/placement of such lighting.
6. Parking shall be sufficient to accommodate the capacity of the brewery and outdoor seating area once Covid-19 restrictions are no longer in effect. If the Zoning Enforcement Officer or another agent of the City determines that the parking is insufficient, the applicant shall be required to construct the deferred parking area. Prior to the construction of such deferred parking, the applicant shall provide an easement or other written agreement, in a form acceptable to the City, which authorized construction and use of the deferred parking area for the facility. A permit shall be required for the construction of the deferred parking lot, and all standards of Chapter 19 shall apply.
7. Applicant shall submit a revised site plan showing a plan for parking to scale and showing the number of spaces and how it will be arranged.

IT WAS MOVED BY BARKER and seconded by CHAMBER to approve the proposed site plan amendment with the conditions listed above.

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

NO: None. ABSENT: Commissioners Cadwallader and Schrauben. MOTION CARRIED.

b. King Milling Site Plan Amendment – 222 W. Main and 115 S. Broadway.

Steve Doyle and Regan Doyle with King Milling were present to explain their proposed expansion. They hope to connect 222 W. Main to 115 S. Broadway.

Andy Moore with Williams and Works explained the site plan amendment is for the construction of a covered walkway between two buildings and exterior building modifications. Moore reviewed various site plan requirements such as lighting, parking, landscaping and signage.

Moore did note that he received correspondence from DPW Director Dan Czarnecki who showed some concern about the clearance stating there is a water main that runs through the alleyway and has requested a minimum of 13' 6" of vertical clearance trucks and equipment. Doyle confirmed this height requirement would be met.

The Commissioners reviewed the site plan review criteria.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to accept the site plan review standards

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

Moore recommended the proposed site plan amendment be approved with 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 all other applicable ordinances, codes, and requirements of the City of Lowell.
4. The applicant shall submit any additional site plan items as required in Section 18.04 B of the zoning Ordinance and determined necessary by the Zoning Enforcement Officer.
5. The applicant shall comply with the outdoor lighting requirements of Section 4.24 of the Zoning Ordinance.
6. The applicant shall update the site plan to show there is a 13.5' clearance.

IT WAS MOVED BY BARKER seconded by ELLIS to approve the proposed site plan amendment with the following conditions listed above.

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

NO: None. ABSENT: Commissioners Cadwallader and Schrauben. MOTION CARRIED

c. Public Hearing – Premier Botanics Special Land Use – 1450 W. Main.

Representatives from Premier Botanics, James Allen and John Allen, explained they are proposing a marijuana microbusiness at 1450 W. Main. He explained they will be selling only what they grow and produce.

Andy Moore with Williams and Works explained this property is located at the previous Showboat Automotive site located at 1450 W. Main. The property is zoned C3 General Business district, where adult use marijuana establishments are permitted only with special land use approval.

The subject property has an area of approximately 1.6 acres. The applicant is proposing to occupy the existing building for the establishment.

Moore reviewed the site development requirements including landscaping, lighting, parking, signage and licensing.

The Planning Commissions went on to review the site plan review standards.

The public hearing was opened.

Roger Royer noted his concerns with the City of Lowell having several marijuana facility's.

Moore noted the Planning Commission has requested that a six-foot privacy fence be provided on the west and south property line and that the fence on the west property lot would extended.

IT WAS MOVED BY BARKER and seconded by ELLIS to accept the site plan review standards.

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

NO: None. ABSENT: Commissioners Cadwallader and Schrauben. MOTION CARRIED.

Moore went on to review the special land use review standards.

IT WAS MOVED BY BARKER and seconded by GADULA to accept the site plan review standards.

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

NO: None. ABSENT: Commissioners Cadwallader and Schrauben. MOTION CARRIED.

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

Barker asked for a motion to approve the Adult Use Marihuana Establishment Special Land Use Standards with the correction being made for "d" correcting a typo regarding the site plan including a new dumpster enclosure behind the building, which would be 6 ½ to 7 feet tall and include a gate.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to accept the Adult Use Marihuana Establishment Special Land Use Standards with the above correction.

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

Moore recommended the proposed site plan amendment be approved with 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 comply with any requirements from the City's Department of Public Works, City Engineer, Lowell Area 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 submit all missing site plan items of Section 18.04 B, 17.04 FF(3), and 17.04 FF(4), as listed above, unless specifically waived by the Zoning Enforcement Officer.

6. The applicant shall receive licensing as a marihuana microbusiness through the State of Michigan and submit a copy of this license to the City.
7. Landscaping shall comply with Section 4.26 and Section 19.03 E of the Zoning Ordinance, unless specifically modified by the Planning Commission.
8. Any additional exterior lighting shall comply with the lighting standards of Section 4.24 and 19.03 C of the Zoning Ordinance.
9. Signage shall comply with Chapter 20 of the Zoning Ordinance.
10. 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 cod of ordinances. The facility shall not open until appropriate operating licenses have been obtained from the City of Lowell and the State of Michigan.
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 applicant shall receive approval from and comply with any stipulations of Lowell Light and Power regarding electricity demand at the marihuana microbusiness.
13. The security plan shall address the items outlined in our confidential memo dated November 5, 2020, and any other items identified by the City's law enforcement personnel.
14. The applicant shall maintain odors so any odor generated inside the establishment is not detected outside the building. Doors and windows shall remain closed, except for the minimum time necessary for ingress/egress From the building.
15. The applicant shall maintain all air scrubbing and filtration systems in working order and they must be in sue at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.
16. All waste receptacles containing marihuana products shall be secure and locked at all times. The applicant shall indicate the locations of indoor waste receptacles on the building floor plan.
17. All rooms associated with the growing and processing of marihuana products shall be subject to inspection and approval by the Fire Department to ensure compliance with applicable fire codes.
18. Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide, or other substance toxic to wildlife, children, or pets shall be stored in a secured and locked area, be in compliance with State pesticide laws and regulations, and be subject to inspection and approval by the Fire Department to ensure compliance with applicable fire codes.
19. The marihuana establishment shall not also sell alcoholic beverages or tobacco products.
20. The marihuana establishment shall comply at all times and in all circumstances with the MRTA and applicable Rules of Adult Use Marihuana Establishments, as amended, promulgated by LARA.
21. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure which contains electrical wiring, lighting, and/or watering devices that support the cultivation, growing, and/or harvesting of marihuana.
22. In the event of any conflict, the terms of this ordinance are preempted and the controlling authority shall be the statutory regulations set forth by the MRTMA or the adopted Rules of Adult Use Marihuana Establishments, as amended, promulgated by LARA.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to approve the special land use and site plan for Premier Botanics at 1450 W. Main Street with the 22 conditions listed above.

YES: Commissioners Ellis, Plank, Chair Barker and Commissioners Chambers and Gadula.
NO: None. ABSENT: Commissioners Cadwallader and Schrauben. MOTION CARRIED.

d. Public Hearing – River City Cannabis – Special Land Use – 2163 W. Main.

The public hearing was tabled until next month due to no representatives being present.

8. **STAFF REPORT.**

Andy Moore noted there will be one site plan to review next month along the River City Cannabis that was tabled tonight. Grand Rapids Gravel will also be brought back under old business.

9. **COMMISSIONERS REMARKS.**

Commissioner Plank sympathized with the concern of residents regarding the amount of marijuana shops going in. City Manager Burns explained the issue with placing caps on such businesses and the risk involved for the City.

10. **ADJOURNMENT.**

IT WAS MOVED BY CHAMBERS to adjourn at 9:10 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan Ullery, Lowell City Clerk