

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

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

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

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

Absent: None.

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

2. **APPROVAL OF AGENDA.**

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

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

NO: None. ABSENT: 0. MOTION CARRIED.

3. **APPROVAL OF MINUTES OF PREVIOUS MEETING.**

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

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

NO: None. ABSENT: 0. MOTION CARRIED.

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

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

5. **OLD BUSINESS.**

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

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

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

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

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

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

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

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

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

NO: None.

ABSENT: None

MOTION CARRIED.

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

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

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

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

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

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

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

NO: Chair Barker.

ABSENT: None.

MOTION CARRIED.

Barker asked if there were any public comments.

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

Moore reviewed the special land use review standards.

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

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

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

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

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

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

NO: None.

Absent: None.

MOTION CARRIED.

6. **NEW BUSINESS.**

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

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

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

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

The Commission reviewed the site plan review standards.

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

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

NO: 0.

ABSENT: 0.

MOTION CARRIED.

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

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

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

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

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

NO: None.

ABSENT: None

MOTION CARRIED.

7. **STAFF REPORT.**

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

8. **COMMISSIONERS REMARKS.**

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

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

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

9. **ADJOURNMENT.**

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

YES: 7

NO: None.

ABSENT: None.

MOTION CARRIED.

DATE:

APPROVED:

Bruce Barker, Chair

Susan Ullery, Lowell City Clerk