

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, JANUARY 13, 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 Bruce Barker.

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

Absent: None.

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

2. ELECTION OF OFFICERS.

a. Chair.

IT WAS MOVED BY CHAMBERS and seconded by CADWALLADER to nominate Bruce Barker as Chair of the Planning Commission.

YES: 7. NO: None. ABSENT: None. MOTION CARRIED.

b. Vice Chair.

IT WAS MOVED BY CHAMBERS and seconded by PLANK to nominate Dave Cadwallader as Vice Chair of the Planning Commission.

YES: 7. NO: None. ABSENT: None. MOTION CARRIED.

c. Review and Adopt Rules of Procedure.

IT WAS MOVED BY BARKER and seconded by CADWALLADER to accept the Rules of Procedure as written.

YES: 7. NO: None. ABSENT: None. MOTION CARRIED.

d. Meeting dates.

IT WAS MOVED BY BARKER and seconded by SCHRAUBEN to accept the meeting dates for the Planning Commission to be the 2nd Monday of the month @ 7:00 p.m.

YES: 7. NO: None. ABSENT: None. MOTION CARRIED.

3. APPROVAL OF AGENDA.

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

YES: 7. NO: None. ABSENT: None. MOTION CARRIED.

4. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING.

IT WAS MOVED BY CADWALLADER and seconded by GADULA to approve the minutes of the December 14, 2020 Planning Commission regular meeting as written.

YES: 7. NO: None. ABSENT: None. MOTION CARRIED.

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

There were no comments.

6. **OLD BUSINESS.**

a. River City Cannabis – Special Land Use – 2163 W. Main.

Andy Moore with Williams & Works stated an odor control plan has been submitted to further detail measures for odor control related to the proposed marihuana microbusiness in a multiple-occupant establishment at 2163 W. Main. A brief overview and analysis of the proposed methods of odor control was provided.

Michael Matthews then presented his odor system and the process.

Moore reviewed the Special Land Review Standards A-F.

The Commissioners found that the Special Land Review Standards A-F are met.

IT WAS MOVED BY BARKER and seconded by CHAMBERS that the Special Land Review Standards A - F have been met.

YES: 7. NO: 0. ABSENT: 0. MOTION CARRIED.

Moore went on and reviewed the Adult Use Marihuana Establishment Special Land Use Standards A through M stating item F and G could be addressed as a condition.

The Commissioners found that the Adult Use Marihuana Establishment Special Land Use Standards A – M are met.

IT WAS MOVED BY BARKER and seconded by CHAMBERS that the Adult Use Marihuana Special Land Use Standards A-M have been met.

Moore recommended the proposed site plan be approved 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 comply with any requirements from the City's Department of Public Works, City Engineer, Lowell Area Fire Department, City Police Department, Lowell Light and Power, 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. Any additional exterior lighting shall comply with the lighting standards of Section 4.24 and 19.03 C of the Zoning Ordinance.
6. The applicant shall verify the location and availability of barrier-free ramps to the building and provide additional ramps as required. Barrier-free ramps shall be six feet long with a maximum slope of 1:12 and contain a non-slip surface.
7. Signage shall comply with Chapter 20 of the Zoning Ordinance and must be approved by the Zoning Enforcement Officer prior to installation.
8. The applicant shall receive licensing as a marihuana microbusiness through the State of Michigan and submit a copy of this license to the City.

9. 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.
10. The applicant shall receive approval from and comply with any stipulations of Lowell Light and Power regarding electricity demand at the marihuana microbusiness.
11. 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.
12. The applicant shall maintain odors so any odor generated inside the establishment is not detected outside the building or elsewhere in the Lowell City Mall. Doors and windows shall remain closed, except for the minimum time necessary for ingress/egress from the building, and a negative air pressure shall be maintained at a ratio of 1:4.
13. The applicant shall maintain all air scrubbing and filtration systems in working order and they must be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance. Because this is a multi-tenant building, the City may require additional odor control measures if odors are detectable at adjacent businesses.
14. All waste receptacles containing marihuana products shall be secure and locked at all times. The applicant shall indicate the locations of indoor on the building floor plan and outdoor waste receptacles on the site plan.
15. 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.
16. 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.
17. The marihuana establishment shall not also sell alcoholic beverages or tobacco products.
18. The marihuana establishment shall comply at all times and in all circumstances with the MRTMA and applicable Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.
19. The applicant shall maintain clear and adequate records demonstrating that all cannabis or cannabis products have been obtained from and are provided to other permitted and licensed cannabis operations. Upon request from the City, the applicant shall allow the City to examine, monitor, and audit such records and documentation.
20. 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 or harvesting of marihuana.
21. 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 for Adult Use Marihuana Establishments, as amended, promulgated by LARA.
22. Negative air pressure shall be maintained at either a ratio of 1:4 between the air intake (CFM) and exhaust fan (CFM); a minimum negative pressure of 0.01" water column relative to the building exterior and adjacent spaces without product; or a minimum exhaust rate of 0.2 CFM per square foot of floor area.
23. Negative air pressure shall be maintained throughout the entire building where there is marihuana product.
24. All fans shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building divided by three. All carbon filters shall be rated for the applicable CFM.
25. Air scrubbing and filtration systems shall be maintained in working order and shall be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to approve the River City Cannabis Special Land Use subject to the 25 conditions above.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

7. **NEW BUSINESS.**

a. Prepare Planning Commission Annual Report for Council.

It was a general consensus that Commissioner Ellis will prepare the report. Andy Moore with Williams & Works will provide a template for Ellis to use. Chair Barker will present it to the City Council at the February meeting.

8. **STAFF REPORT.**

City Manager Michael Burns stated that while he was on vacation he saw that the City of Alpena is getting sued by a marihuana establishment applicant that was not approved and it is because of the City limiting the number of establishments allowed. Burns will follow the story and keep us informed as to what happens.

Andy Moore with William & Works stated there may be another possible site plan applicant for the next meeting, if not we will continue to work through the Zoning Ordinance chapters to approve and wrap up.

9. **COMMISSIONERS REMARKS.**

Commissioner Gadula hopes this is the last zoom meeting and we will be in person next month.

Commissioner Ellis asked what is the protocol in the City for feathered flags, are they allowed or not. Andy Moore will look at the Ordinance and the circumstances where they are being used.

10. **ADJOURNMENT.**

IT WAS MOVED BY CADWALLADER and seconded by CHAMBERS to adjourn at 7:44 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan Ullery, Lowell City Clerk