

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, APRIL 12, 2021 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, Marty Chambers, Amanda Schrauben, Collin Plank and Chair Bruce Barker.

Absent: Commissioners Gadula and Cadwallader.

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

2. **EXCUSE THE ABSENCE OF COMMISSIONERS.**

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

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

3. **APPROVAL OF AGENDA.**

IT WAS MOVED BY ELLIS and seconded by CHAMBERS 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 CHAMBERS and seconded by PLANK to approve the minutes of the March 8, 2021 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.**

John Sterling who resides at 711 Avery Street spoke and wanted to inform the City he has a group that has been meeting about a community center for the last three years. Meetings are twice a month on Wednesdays and has raised \$10,000 for a need study and have already done a 38-page feasibility study. Feels that the city needs a pool. And are determined to find a piece of property and need help trying to figure out where.

Commissioner Chambers asked where and when the meetings are held and would like to attend. Also Chambers invited him to come back to speak at a City Council meeting.

6. **CLOSED SESSION.**

IT WAS MOVED BY BARKER and seconded by CHAMBERS to go into closed session at 7:12 p.m.

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

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

7. **OPEN SESSION.**

The Council returned to open session at 7:55 p.m.

IT WAS MOVED BY BARKER and seconded by CHAMBERS that the Planning Commission acknowledges the receipt of the letter from Calvary Christian Reformed Church, however, disagrees with their conclusion that the use described constitutes a “school” for purposes of the administration of Section 1.04.FF.5.b and instead relies on its reading of the plan language, the understood intent of the City Council and the reasonable opinion of the City’s professional planner and finds the application to be compliant.

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

NO: None.

ABSENT: Commissioners Gadula and Cadwallader.

MOTION CARRIED.

8. **OLD BUSINESS.**

- a. Public Hearing Chris Nelson - 211 S. Washington – Special Land Use-Vehicle Repair Facility & Towing Service.

Chair Barker opened the Public Hearing.

Greg Canfield spoke recommending a chain link fence around the property site would be the best idea from a maintenance, visual and security standpoint and a better long term solution.

Andy Moore with Williams & Works provided a little bit of background for the special land use application stating last meeting the planning commission approved the towing service with conditions however, they would like to do vehicle repair on the property and the ordinance requires that if associated with a towing service that a vehicle repair is not allowed unless that permission is specifically granted by the Planning Commission so we re-noticed the application. We are really just talking about these specific names, this is not a site plan review as we already did that last meeting and there is nothing changed on the property we are just adding a different type of activity to the site. Moore made a couple of distinctions to clarify what is allowed for the vehicle repair facility and explained the parking, no issues. Spoke on the fence & noted chain link fence may not help with neighbors as a noise barrier. Outdoor storage is not allowed and is listed as a condition.

Moore then review the Special Land Use Standards A through F.

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

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

NO: None.

ABSENT: Commissioners Gaduala and Cadwallader.

MOTION CARRIED.

Moore then reviewed the conditions.

Based on the foregoing review and finding of fact, 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 comply with any requirements from the City Engineer, Lowell Area Fire Department, or other approving agencies.
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 maintain continual compliance with other applicable ordinances, codes, and requirements of the City of Lowell.
 5. The applicant shall comply with the parking standards of Section 19.04 J of the Zoning Ordinance for mixed uses, unless specifically modified by the Planning Commission. The location of these spaces shall be depicted on the site plan and submitted to the Zoning Administrator for approval.
 6. Outdoor storage shall be prohibited in all yards, in accordance with Section 12A.04 B of the Zoning Ordinance.
 7. 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.
 8. The vehicle repair facility shall not include a body shop or conduct activities generally associated with a body shop, including but not limited to, collision servicing; body, frame, and fender straightening or repair; vehicle painting; or storage of vehicles. The facility shall be limited to minor vehicle repairs compatible with adjacent residential uses.
 9. All vehicle repairs shall occur within a completely enclosed building.
 10. Motor vehicles awaiting repair at the vehicle repair facility shall not be located outdoors for more than 30 days.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to approve the Special Land Use for 211 S. Washington Vehicle Towing and Repair Service with the conditions listed above.

YES: Commissioners' Plank, Ellis, Chambers, Schrauben and Chair Barker.
No: None.

Absent: Commissioners' Gadula and Cadwallader.

MOTION CARRIED.

b.) Public Hearing – Joyology- 1250 W Main Street – Special Land Use.

Chair Barker opened the public hearing

Zaid Arabo representing Joyology spoke stating this is an existing building they are proposing to put dispensary facility alteration adding some landscaping and lights.

Moore then reviewed his memo.

Moore then reviewed the site plan review standards A-F.

Discussed at length the ballfield and possibilities for separating the two properties by a fence.

Michelle Emas who resides at 725 Lafayette spoke with concerns asking how adult use is defined; whether it is allowed to be used in the store. Also concerned about taking the ballfield away.

Chair Barker stated he would like to table the Site plan review standards to find another solution for the ballfield.

Moore then reviewed the Special Land Use Review Standards A-F and the Adult Use Marijuana Establishment Standards A-M.

Commissioner's determined that Standard J needed to be worked out.

Chair Barker made a motion to table until May meeting. There was no second. Motion died. Commissioner's decided to continue.

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

YES: Commissioner Ellis, Commissioner Chambers, Commissioners Gaduala, Commissioner Cadwallader, Commissioner Schrauben.

NO: Chair Barker ABSENT: Commissioners Gadula and Cadwallader. MOTION CARRIED.

IT WAS MOVED BY CHAMBERS and seconded by ELLIS to accept that the Special Land Use Standards A-F have been met.

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

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

IT WAS MOVED BY ELLIS and seconded by CHAMBERS that the Adult Use Marihuana Establishment Standards B-M have been met. Chair Barker then read addition into motion

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

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

Based on the foregoing review and finding of fact, 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 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. The applicant shall submit a photometric plan and exterior lighting shall comply with Section 4.24 of the Zoning Ordinance.
9. All 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 March 31, 2021.
11. All driveways shall comply with the design standards of Section 19.03 B of the Zoning Ordinance.
12. The loading space shall have minimum dimensions of 12 feet by 40 feet, with a 14-foot height clearance, in accordance with Section 19.08 of the Zoning Ordinance.
13. 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.
14. Doors and windows shall remain closed except for the time needed to allow people to ingress or egress the building.
15. Air scrubbing and filtration systems must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendations to ensure optimal performance.
16. The trash enclosure shall be secure and locked at all times and designed to an appropriate height to deter trespassing.

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 city shall have the right to examine, monitor, and audit records and documentation, which shall be made available to the city upon request.
20. 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.

IT WAS MOVED BY BARKER and seconded by ELLIS to approve the Special Land Use for Joyology at 1250 West Main St. with the conditions listed above.

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

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

9. **NEW BUSINESS.**

a.) Public Hearing – 2040 W. Main – B&D Asset Recovery Special Land Use.

Chair Barker opening the Public Hearing.

Moore reviewed his memo stating the use they are proposing here is a commercial storage warehouse located on 1.2 acres in the C3 Business District. The applicant is proposing to construct a 17,604 square foot pre-engineered metal building on the site to accommodate a commercial storage warehouse. The use includes reclaiming and disassembling electronic equipment for recycling and reuse. Parts and products would be stored within the building before being shipped elsewhere. The applicant also received a variance at the February 1, 2021, Zoning Board of Appeals meeting for a reduced rear yard setback from 35 feet to 15 feet.

Scott Bell from the engineering firm that prepared the plans stated what B & D Asset Recovery is proposing.

Moore then reviewed the site plan review standards A-F with the commissioners.

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

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

NO: None. ABSENT: Commissioner Gadula and Cadwallader. MOTION CARRIED.

Moore then reviewed the Special Land Use Review Standards. Commissioners determined deliveries should once or twice a month and work should be from 8 am to 4 pm.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to accept that the Special Land Use Review Standards have been met.

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

NO: None. ABSENT: Commissioner Gadula and Cadwallader. MOTION CARRIED.

Moore then went through the Commercial Storage & Warehouse Standards.

IT WAS MOVED BY BARKER and seconded by ELLIS to accept that the Commercial Storage & Warehouse Standards have been met.

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

NO: None.

ABSENT: Commissioner Gadula and Cadwallader.

MOTION CARRIED.

Based on the foregoing review and finding of fact, 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 comply with any requirements from the Lowell Area Fire Department, City's Department of Public Works, City Engineer, or other approving agencies.
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 include parking space and maneuvering aisle dimensions on the site plan, which shall meet the dimensional requirements of Section 19.06 of the Zoning Ordinance.
7. The applicant shall submit copies of any agreements with the adjacent property owner for parking, maneuvering, or general use of the adjacent property.
8. Any signage shall comply with Chapter 20 of the Zoning Ordinance.
9. The applicant shall receive a driveway permit from MDOT and submit a copy of this permit to the City.
10. A ten-foot-wide buffer strip consisting of a maintained ground cover shall be provided along the side and rear lot lines in accordance with Section 17.04 N(4) of the Zoning Ordinance. 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.
11. Applicant shall use a neutral color (brown or similar) for building siding that reasonably blends into the landscape and surrounding properties and shall submit a visualization sketch to the zoning enforcement officer for review and approval.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to approve the Special Land Use for B & D Asset Recovery at 2040 W. Main with the above conditions as listed.

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

NO: None.

ABSENT: Commissioner Gadula and Cadwallader.

MOTION CARRIED.

10. **STAFF REPORT.**

There was no report.

11. **COMMISSIONERS REMARKS.**

There were no remarks.

12. **ADJOURNMENT.**

IT WAS MOVED BY ELLIS and seconded by CHAMBERS to adjourn at 10:39 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan Ullery, Lowell City Clerk