

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, JULY 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, Amanda Schrauben, Michael Gadula, Marty Chambers and Chair Bruce Barker.

Absent: Commissioner Collins Plank and Commissioner Dave Cadwallader.

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

2. **EXCUSE OF ABSENCES.**

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

YES: 5. NO: None. ABSENT: Commissioners Plank and Cadwallader. MOTION CARRIED.

3. **APPROVAL OF AGENDA.**

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

YES: 5. NO: None. ABSENT: Commissioner Cadwallader and Plank. MOTION CARRIED.

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

IT WAS MOVED BY CHAMBERS and seconded by ELLIS to approve minutes of the June 14, 2021 Regular Meeting as written.

YES: 5. NO: None. ABSENT: Commissioner Cadwallader and Plank. MOTION CARRIED.

IT WAS MOVED BY GADULA and seconded by ELLIS to approve minutes of the June 28, 2021 Special Meeting as written.

YES: 5. NO: None. ABSENT: Commissioner Cadwallader and Plank. MOTION CARRIED.

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

There were no comments.

6. **OLD BUSINESS.**

a.) Special Land Use Review – 1279 Gee Drive – John Baar.

Chair Barker reviewed the Special Land Use at 1279 Gee Drive, stating it seems to be going well and John Baar is doing exactly what he is supposed to do. Referring to his letter, Baar has again requested

to have eight cars, instead of six allowed on his property. Chair Barker recommended denial of this request as it seems to be going well with the conditions already have in place. By general consensus, the Commissioners agreed.

7. **NEW BUSINESS**

a.) Site Plan Review – 400 W. Main

Tyler Velting came up and discussed his plan to have a court yard and a patio, including green spaces for the expansion of the Brewery.

Andy Moore with Williams & Works then reviewed his memo stating Union Estates LLC, represented by Tyler Velting has submitted an application for a site plan amendment to the New Union Brewery at 400 E Main, at the southwest corner of Hudson and West Main. The purpose of this memorandum is to review the site plan amendment pursuant to applicable standards of the City of Lowell Zoning Ordinance. The original special land use approval considered the brewery use on the single parcel at 400 W Main Street. In November 2020, the applicant amended the site plan to expand the use with a concrete patio and roof, which was approved by the Planning Commission. However, upon receiving engineered drawings, the applicant noted the building looked too much like a pole barn and did not construct the new features proposed in the amendment. Therefore, the applicant has submitted a new application for amending the original site plan with a different design, which would create an outdoor courtyard with converted shipping containers and two covered low-profile silo roofs. Major site plan amendments shall be reviewed by the Planning Commission in the same manner as the original application, per Section 18.09 C of the Zoning Ordinance. Because the applicant is not proposing any changes to the use, our review focuses only on the proposed site improvements.

Moore then reviewed the Site Plan Review Standards 1 through 6.

Moore and the Commissioners found that all the standards have been met.

IT WAS MOVED BY BARKER and seconded by ELLIS to accept that all the Site Plan Review Standards 1 through 6 have been met.

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

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

Based on the foregoing review and finding of facts, the proposed special land use and site plan is 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. A brewery/winery shall obtain and maintain all applicable federal, state, and local permits upon request, furnish copies of applicable permits to the City.
5. The applicant shall comply with any stipulations of the Fire Department regarding emergency vehicle access and the City Engineer regarding drainage on the site.
6. Any proposed lighting must be reviewed and approved by the Zoning Enforcement Officer prior to

construction/placement of such lighting.

7. The applicant shall provide an updated site plan for staff review that shows a deferred parking area on the site.
8. The shipping containers shall be painted and designed to be compatible with the existing brewery building and the surrounding area.
9. Silo roofs shall not exceed 40 feet, in accordance with Section 12.04 of the Zoning Ordinance.
10. Applicant shall comply with floodplain conditions of Chapter 14.
11. Parking lot to be paved with asphalt by May 30, 2022.

IT WAS MOVED BY BARKER and seconded by ELLIS to approve the 400 West Main New Union Brewery Site Plan Amendment with the above 11 conditions met as listed.

b.) Public Hearing – 2384 W. Main – Special Land Use.

Chair Barker asked if someone was here to represent NU Group LLC and there was not.

IT WAS MOVED BY ELLIS and seconded by CHAMBERS to table the 2384 W Main Special Land Use.

YES: 5 NO: None. ABSENT: Commissioners Plank and Cadwallader. MOTION CARRIED.

c.) Public Hearing – 126 S. West – Site Plan Review/Special Land Use.

Chair Barker opened the Public Hearing.

Cody Newman with Driven Design who is the architect explained their plans.

Andy Moore with Williams and Works then review his memo stating BTM Holdings LLC, represented by James McGillie of the Covert Law Firm PLLC, has submitted an application for site plan review and special land use approval to open an adult use marihuana establishment (“Iconic Wellness & Provisioning Center”) at 126 S West Avenue. The purpose of this memorandum is to review the request pursuant to Chapter 17 Special Land Uses and Chapter 18 Site Plan Review of the City of Lowell Zoning Ordinance. The subject property has an area of approximately 0.3 acres and is within the C3 General Business district. A site plan for the building was previously approved at the October 12, 2020, Planning Commission meeting. This previous review considered the merits of the building in relation to the site and surrounding area, resulting in approval of the building, provided that it was occupied by a permitted by right in the C3 district. At the time of the original approval, the applicant was anticipating using the building for adult use marihuana purposes but did not apply for that specific special land use, indicating they may pursue it at a later time. Now the applicant has in fact proposed to use this building as a recreational marihuana retail facility with no on-site cultivation of this product. Therefore, this review is intended to evaluate the proposed marihuana special land use in the building at this location. By definition, ‘marihuana retailer’ is a type of adult use marihuana establishment. All adult use marihuana establishments are permitted only as a special land use in the C3 district.

Moore suggested the applicant ask for a shared parking arrangement of some kind at least temporarily with one of the neighboring businesses to use half a dozen or something of their parking spaces just in case.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to table this Public Hearing and Special Land Use review until the parking situation can be addressed.

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

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

8. **STAFF REPORT.**

There was none.

9. **COMMISSIONERS REMARKS.**

Commissioner Chambers stated Riverwalk Festival was amazing and thank you to the people that cleaned up the graffiti at Creekside.

10. **ADJOURNMENT.**

IT WAS MOVED BY GADULA and seconded by CHAMBERS to adjourn at 7:49 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan Ullery, Lowell City Clerk