

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, AUGUST 09, 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, Dave Cadwallader, Marty Chambers and Chair Bruce Barker.

Absent: Commissioner Collins Plank and Commissioner Michael Gadula.

Also Present: Mayor DeVore, 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 Gadula and Plank.

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

3. **APPROVAL OF AGENDA.**

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

YES: 5. NO: None. ABSENT: Commissioner Gadula 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 July 12, 2021 Regular Meeting as written.

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

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

There were no comments.

6. **OLD BUSINESS.**

a.) **Public Hearing – 126 S. West – Special Land Use.**

Chair Barker opened Public Hearing.

Andy Moore with Williams & Works then provided background info. This will be focused on use of building not site plan review as this was already done.

Chair Barker stated that the landscaping has not been completed & driveway and lighting detail not provided.

Chair Barker opened it up for comments from the Public.

Cody Newman with Driven Design, 117 W Michigan Ave, Battle Creek, MI introduced himself.

James McNeely, 1129 W Washington Ave, Lansing MI stated he had contacted Bartkus Engineering for additional 18 spaces.

Moore then reviewed the special land use standards A through F.

Red McClure, 148 Southwest Street, stated his concern with a marijuana establishment on a residential street.

Cassidy Postema, 159 S West St stated her concern about the fence and people going to fast, for the safety of children in the area and the amount of traffic it will bring to the residential area.

Mike DeVore, 424 Elm Street, stated his concern that this is not a good location for a marijuana store. Additional parking would be a lease and it is very hard to turn onto main street left from this area.

Ray Closure, 325 S. Division, supports these business and this one is in the C3 District and it is in compliance.

Ryan Closure, 325 S. Division, supports this business and their location.

Mike DeVore, 424 Elm Street, then explained the difference between businesses already on that side of the road in same area is they also have entrances on main street and that he is in support of the marihuana facility just not at this location.

Chair Barker then closed the Public Hearing.

Chair Barkers expressed that the directional signage is important as well as a camera at the corner of the parking lot.

Moore and the Commissioners found that all the Special Land Use Standard A-F are met.

IT WAS MOVED BY BARKER and seconded by ELLIS to accept that all the Special Land Use Standards A- F are met.

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

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

Moore then reviewed Adult Use Marihuana Special Land Use Standards B through M.

Chair Barker stated the fence on west property needs to be repaired. Barker wants fence installed to close off a specific section.

Applicant indicated fence would be installed.

Chair Barker asked if there were any public comments on Adult Use Marihuana Special Land Use Standards B – M.

There were no public comments.

Moore and the Commissioners found that all the Adult Use Marihuana Special Land Use Standards B through M are met.

IT WAS MOVED BY BARKER and seconded by CADWALLADER to accept that the Adult Use Marihuana Special Land Use Standards B- M are met.

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

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

Moore then went through 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's Department of Public Works, City Engineer, Lowell Area Fire Department, City Police 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 continually comply with applicable ordinances, codes, and requirements of the City of Lowell.
5. The applicant shall all submit missing site plan items of Section 18.04 B and 17.04 FF, and identified above under Completeness of Submission, unless specifically waived by the Planning Commission.
6. The applicant shall comply with the landscape requirements of Section 4.26 of the Zoning Ordinance, unless specifically modified by the Planning Commission.
7. Any outdoor lighting shall be added to the site plan and comply with Section 4.24 of the Zoning Ordinance.
8. The applicant shall provide one ADA van accessible space on the site.
9. The loading/unloading space shall meet the requirements of Section 19.08 of the Zoning Ordinance, including a 40-foot length, unless specifically modified by the Planning Commission.
10. The applicant shall receive a sign permit for any signage on the site in accordance with Chapter 20 of the Zoning Ordinance.
11. 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.
12. 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.
13. Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.

14. The marihuana establishment shall not be operated from a business that also sells alcoholic beverages or tobacco products.
15. 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.
16. The security plan shall address the items outlined in our confidential memo dated July 8, 2021, and any other items identified by the City's law enforcement personnel.
17. In the event of any conflict, the terms of this approval 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.
18. The applicant shall submit a copy of the 3-year lease for at least 18 spaces located directly to the south of the subject property for review and approval by the City. Such parking area and the conditions of the lease shall become a part of this special land use approval and any change to the terms of the agreement shall be subject to the approval of the City and may require an amendment to the special land use permit. These 18 spaces shall be striped and signed for use by Iconic Lowell, and signage shall be installed that directs traffic north toward Main Street when exiting the site. These spaces shall be monitored by the applicant via a security camera acceptable to the city.

IT WAS MOVED BY BARKER and seconded by ELLIS to approve the Special Land Use for Iconic Wellness & Provisioning Center - 126 S West with the above conditions as listed.

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

NO: None.

ABSENT: Commissioners Plank and Gaduala.

MOTION CARRIED.

8. **STAFF REPORT.**

There was none.

9. **COMMISSIONERS REMARKS.**

Commissioner Cadwallader asked what we need to do to get some boats docks down at the River.

Mayor DeVore stated he would look into it.

Commissioner Ellis asked if there were any more ideas on cleaning the vegetation out at the River. Ellis also requested zoning maps for the Commissioners to view at Planning Commission meetings.

Mayor DeVore stated we can't clean out the river or have boat docks unless we get approval from EGLE.

Chair Barker asked about the combined City and Township meeting date and asked City Clerk Sue Ullery if we could send out a save the date for everyone involved.

Sue Ullery will work on getting that out.

10. **ADJOURNMENT.**

IT WAS MOVED BY CADWALLADER and seconded by ELLIS to adjourn at 8:07 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan Ullery, Lowell City Clerk