

**OFFICIAL PROCEEDINGS  
OF THE  
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE  
CITY OF LOWELL, MICHIGAN  
FOR THE REGULAR MEETING OF  
MONDAY, OCTOBER 11, 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, Dave Cadwallader, Collin Plank and Chair Bruce Barker.

Absent: Commissioner Marty Chambers.

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

2. **EXCUSE OF ABSENCES.**

IT WAS MOVED BY CADWALLADER and seconded by GADULA to excuse the absence of Commissioner Marty Chambers.

YES: 6. NO: None. ABSENT: Commissioner Chambers. MOTION CARRIED.

3. **APPROVAL OF AGENDA.**

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

YES: 6. NO: None. ABSENT: Commissioner Chambers. MOTION CARRIED.

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

IT WAS MOVED BY CADWALLADER and seconded by ELLIS to approve minutes of the September 13, 2021 Regular Meeting as written.

YES: 6. NO: None. ABSENT: Commissioner Chambers. MOTION CARRIED.

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

There were no comments.

6. **OLD BUSINESS.**

a.) **805 E Main Street – Statement of Findings and Conclusions.**

IT WAS MOVED BY BARKER and seconded by CADWALLADER that the Planning Commission adopt the Statement of Findings and Conclusions as prepared by the Secretary of the Planning Commission in addition to the record, the motion made and minutes from September 13, 2021.

b.) **Public Hearing -2335 W. Main – Special Land Use – Re-Application.**

Chair Barker opened up the Public Hearing.

Andrea Hendrick representing FSM Property Ventures LLC spoke stating nothing has changed except

hooking into the city water system. Also not going to demolish the storage building completely, just the portion that encroaches on the neighboring parcel to get in compliance.

Andy Moore then reviewed his memo explaining the reason for the re-application. The property was approved for a marihuana grow facility in July 2020. However, no construction activities have taken place on the site. Section 18.07A of the Zoning Ordinance provides a timeframe and if asked the planning commission can grant one six-month extension prior to the date of the expiration of the final site plan. The applicant did not seek an extension; thus, the July 2020 application is considered expired and thus invalid. The applicant has re-applied for site plan and special land use approval for the same use. The application is the same as was originally proposed; however, it is our understanding that the building will be utilizing a private septic system instead of connecting to City sewer services. A site plan was submitted to City offices recently, but we have not yet reviewed it. A public hearing has been scheduled for the October meeting. At the public hearing, the Commission should carefully consider comments from the applicant and the public. Because the site plan has not been reviewed in detail, the Commission may postpone a decision on the application until the November meeting. However, if the Commission is satisfied that the site plan is the same as what was previously approved, it may re-approve the application based on the factors originally considered in July 2020, with the same conditions.

Moore then reviewed the Site Plan Review Standards A through F from memo dated July 8, 2020.

IT WAS MOVED BY BARKER and seconded by CADWALLADER to accept that all the Site Plan Review Standards A through F have been met.

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

NO: None. ABSENT: Commissioner Chambers. MOTION CARRIED.

Moore then reviewed the Special Land Use Review Standards A through F.

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

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

NO: None. ABSENT: Commissioner Chambers. MOTION CARRIED.

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

Commissioner Ellis inquired about what is going to be disposed of in the dumpsters.

Cody Newman helped answer the question on disposing of unused marihuana plants, stems, etc.

City Attorney Tom Forshee then asked what the sewer plan is for this site plan.

After more questions and discussion with some confusion, Moore suggested tabling until the site plan show if they want City sewer or not.

IT WAS MOVED BY BARKER and seconded by CADWALLADER to table the site plan for 2335 W. Main until November Planning Commission Meeting.

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

NO: None. ABSENT: Commissioner Chambers. MOTION CARRIED.

7. **NEW BUSINESS**

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

Cody Newman representing Exclusive Brands LLC spoke regarding what they would like to do at 2384 West Main Street in Lowell.

Andy Moore with William & Works reviewed the background stating the subject property has an area of approximately 1.4 acres. The property is split zoned between the C3 General Business district and the I Industrial district, with most of the property in the C3 district. All site improvements proposed are also in the C3 district. An application was submitted in July 2021 to establish a marihuana retail establishment on this site, but was withdrawn before approval. The applicant has proposed a similar marihuana retail establishment, which involves the use of the existing building. By definition, “marihuana retailer” is a type of adult use marihuana establishment. Adult use marihuana establishments are permitted in the C3 and I districts only with special land use approval by the Planning Commission.

Neil Mills, owner of the property stated that MDOT required a drive to serve that entire strip of parcels and so the driveway entrance in front of Auto Zone serves that entire strip.

Moore then went through the Site Plan Review Standards A through F.

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

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

NO: None. ABSENT: Commissioner Chambers. MOTION CARRIED.

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

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

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

NO: None. ABSENT: Commissioner Chambers. MOTION CARRIED.

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

Based on the foregoing review and finding 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 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 all applicable ordinances, codes, and requirements of the City of Lowell.
5. Utility plans should be reviewed by the City DPW and all applicable permits from the Kent County Health Department, City, and/or other applicable agencies shall be obtained prior to occupancy.
6. 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 or Zoning Enforcement Officer.
7. The applicant shall comply with all landscape standards of Section 4.26 of the Zoning Ordinance, unless specifically modified by the Planning Commission.
8. The applicant shall maintain a buffer between the subject property and adjacent residential use through existing vegetation or an equivalent buffer that meets the standards of Section 4.26 E (1) of the Zoning Ordinance.
9. Lighting shall not exceed an intensity of 0.5-foot candle at adjoining private property boundaries, in accordance with Section 4.24 E of the Zoning Ordinance.
10. The applicant shall update the site plan to include at least one van accessible parking space on the site that meets 2010 ADA Standards.
11. The applicant shall update the site plan designate one loading/unloading space that meets the requirements of Section 19.08 of the Zoning Ordinance.
12. The applicant shall receive a sign permit for any signage on the site in accordance with Chapter 20 of the Zoning Ordinance.
13. 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.
14. The applicant shall submit a copy of shared access agreements with Lake Michigan Credit Union (east) to allow access to the site through these properties.
15. 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.
16. Upon request, the city shall have the right to examine, monitor, and audit the establishment's records and documentation that demonstrate that all cannabis or cannabis projects have been obtained from and are provided to other permitted and licensed cannabis operations.
17. The applicant shall install an activated air scrubbing and carbon filtration system in the building and maintain negative air pressure in the building, in accordance with Section 17.04 FF (5) (c) of the Zoning Ordinance.
18. Negative air pressure in the building shall be maintained at a ratio of 1:4 between the air intake (CFM) and the exhaust fan (CFM), a minimum negative pressure of 0.01" water column relative to the building exterior, or a minimum exhaust rate of 0.2 CFM per square foot floor area, in accordance with Section 17.04 FF (5) (c) of the Zoning Ordinance.

19. 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.
20. The owner and/or licensee shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from and are provided to other permitted and licensed cannabis operations. The city shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the city upon request.
21. The security plan shall address the items outlined in our confidential memo dated October 8, 2021, and any other items identified by the City's law enforcement personnel.
22. 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 MTRMA or the adopted Rules of Adult Use Marihuana Establishments, as amended, promulgated by LARA.
23. The applicant shall submit a revised site plan and landscape plan showing landscaping consistent in quantity and species to that of LMCU to the east. Parking along Main Street shall be relocated and/or shown as deferred parking on the site plan.

IT WAS MOVED BY BARKER and seconded by PLANK to approve Exclusive Brands LLC Special Land Use at 2384 West Main with the above 23 conditions met as listed.

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

NO: None.

ABSENT: Commissioner Chambers.

MOTION CARRIED.

8. **STAFF REPORT.**

City Clerk Sue Ullery stated Monday, October 25, 2021 at 7:00 pm, a combined meeting will be held between the City of Lowell, Vergennes Township and Lowell Township.

9. **COMMISSIONERS REMARKS.**

Commissioner Cadwallader inquired whether there is a zoning ordinance allowing a bow to be shot in the City, only at the river.

Commissioner Ellis inquired whether there was any word from EGLE on cleaning out the river.

Chair Barker reminded everyone to keep their packets from tonight to revisit at the November meeting for 2335 W. Main.

10. **ADJOURNMENT.**

IT WAS MOVED BY CADWALLADER and seconded by PLANK to adjourn at 8:44 p.m.

DATE:

APPROVED:

---

Bruce Barker, Chair

---

Susan Ullery, Lowell City Clerk