

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, NOVEMBER 08, 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, Collin Plank, Marty Chambers and Chair Bruce Barker.

Absent: Commissioner Micheal Gadula.

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 CHAMBERS and seconded by CADWALLADER to excuse the absence of Commissioner Michael Gadula.

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

3. **APPROVAL OF AGENDA.**

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

YES: 6. NO: None. ABSENT: Commissioner Gadula. 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 October 11, 2021 Regular Meeting as written.

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

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

There were no comments.

6. **OLD BUSINESS.**

a.) **Pubic Hearing -2335 W Main Street – Special Land Use- Re- Application.**

Chair Barker reopened the Public Hearing.

Andy Moore with Williams & Works spoke and gave the background explaining the application had expired and everything was basically the same except they no longer desire to hook up to the public sewer system.

Chair Barker then stated that the Commissioners had previously accepted the Site Plan Review Standards A-F as well as the Special Land Use Standards A-F.

Andrea Hendrick, representing FSM Property Ventures LLC, spoke and explained their intent and asked they get approval pending whatever hookup is allowed. Also stated, there will be two phases to complete the work

of the building.

Moore stated he was fine with either option and Barker suggested to include hookup as a condition.

Commissioners reviewed the Adult Use Marihuana Establishment Special Land Use Standards B-M.

IT WAS MOVED BY BARKER and seconded by CADWALLADER to find that all the Adult Use Marihuana Establishment Standard B-M have been met.

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

NO: None.

ABSENT: Commissioner Gadula.

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. 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, including approval from MDOT and Lowell Light and Power.
4. The applicant shall continually comply with applicable ordinances, codes, and requirements of the City of Lowell.
5. 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.
6. The applicant shall submit a copy of the state license to operate the marihuana facility to the City.
7. The applicant shall continually comply with all site development requirements in Section 13.04 A-E of the Zoning Ordinance.
8. The applicant shall comply with all landscape and screening requirements of Section 4.26, unless specifically waived by the Planning Commission.
9. 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.
10. The applicant shall provide two ADA barrier free parking spaces, one of which is van accessible, on the site.
11. 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.
12. The security plan shall address the items outlined in our confidential memo dated June 24, 2020.
13. The applicant shall submit a signed and notarized copy of the statement of consent to the City.
14. The applicant shall receive approval from and comply with any requirements of MDOT and Lowell Light and Power.
15. Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
16. An MDOT driveway permit shall be obtained prior to occupancy.
17. A trash enclosure, if provided, shall be secure and locked at all times.
18. 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 and 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.

19. The marihuana establishment shall not also sell alcoholic beverages or tobacco products.
20. 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.
21. 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.
22. 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.
23. 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.
24. The operation shall connect to public sanitary sewer services. If a septic system is desired, then the applicant shall return to the PC for a site plan and SLU amendment.
25. The applicant shall utilize the strongest possible odor control measures and shall submit information to the City for review and evaluation for their effectiveness. The applicant shall maintain the odor control system in compliance with the manufacturers recommendations. There shall be no odor from the establishment detectible at the property lines.

IT WAS MOVED BY BARKER and seconded by PLANK to approve FSM Property Ventures LLC Special Land Use at 2335 West Main with the above 25 conditions met as listed.

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

NO: None.

ABSENT: Commissioner Gadula.

MOTION CARRIED.

7. **NEW BUSINESS**

There was none.

8. **STAFF REPORT.**

City Manager Michael Burns spoke regarding Short Term Rental Ordinance.

9. **COMMISSIONERS REMARKS.**

Commissioner Chambers thanked all the voters who came out to vote.

Chair Barker mentioned 2022 dates for Planning Commission and to include the joint meeting.

10. **ADJOURNMENT.**

IT WAS MOVED BY CADWALLADER and seconded by PLANK to adjourn at 7:50 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan Ullery, Lowell City Clerk