

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, JANUARY 10, 2022 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, Michael Gadula and Chair Bruce Barker.

Absent: None.

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

2. ELECTION OF OFFICERS.

a. Chair.

IT WAS MOVED BY CHAMBERS and seconded by CADWALLADER to nominate Bruce Barker as Chair of the Planning Commission.

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

NO: None. ABSENT: None. MOTION CARRIED.

b. Vice Chair.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to nominate Dave Cadwallader as Vice Chair of the Planning Commission.

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

NO: None. ABSENT: None. MOTION CARRIED.

c. Review and Adopt Rules of Procedure.

IT WAS MOVED BY BARKER and seconded by ELLIS to accept the Rules of Procedures as written.

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

NO: None. ABSENT: None. MOTION CARRIED.

d. Meeting dates.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to accept the meeting dates for the Planning Commission to be the 2nd Monday of the month @ 7:00 p.m.

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

NO: None. ABSENT: None. MOTION CARRIED.

3. **APPROVAL OF AGENDA.**

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

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

NO: None. ABSENT: None. MOTION CARRIED.

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

IT WAS MOVED BY ELLIS and seconded by CHAMBERS to approve minutes of the November 08, 2021 Regular Meeting as written.

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

NO: None. ABSENT: None. MOTION CARRIED.

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

There were no comments.

6. **OLD BUSINESS.**

There was none.

7. **NEW BUSINESS**

a.) **Pubic Hearing –Betten Baker Auto Group – Rezoning Request for 211 N. Pleasant Ave.**

Chair Barker opened the Public Hearing.

Kyle Visker with Land's Resource Engineer spoke on behalf of Betten Baker along with Charlie Jeffrey from the dealership explaining their reason for requesting 211 N Pleasant Ave rezone to C3 General Commercial.

Andy Moore with Williams & Works spoke and gave the background explaining the subject property has an area of approximately 1.15 acres and is located at 211 N. Pleasant Avenue at the end of a cul-de-sac. The applicant is seeking to rezone the property from the R3 Multiple Family Residential district to the C3 General Commercial district. The applicant (Betten Baker) owns the property directly to the southeast (749 W Main) and across the street at 746/728 West Main. The applicant previously applied for a rezoning, site plan review, and special land use approval to redevelop and expand the car dealership properties located at 746 and 728 W. Main Street. The applicant states that, as part of that project, the bank is requiring the parcel at 211 N. Pleasant Avenue to be rezoned due to nonconforming issues at 211 Pleasant. Presumably, the applicant is also seeking to redevelop 749 W Main and utilize 211 Pleasant for related purposes, though this has not been confirmed.

Moore then went through the Review Standards of 22.05 A (6).

Moore and the Commissioners all found that the review standards are met.

There were no public comments.

Chair Barker closed the Public Hearing.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to recommend to City Council approval of the request to rezone the property from Residential 3 to C3 General Commercial.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b.) Public Hearing –Trinity Cannabis – Special Land Use- 2125 Bowes Road.

Chair Barker reopened the Public Hearing.

Broc Crider representing Trinity Cannabis spoke and explained their intent for a grow facility only.

Andy Moore with Williams & Works spoke and gave the background explaining the subject property has an area of approximately 1.7 acres and is within the I General Industrial district. The property contains an existing 3,232 square foot greenhouse building. The General Industrial district is adjacent to the east, west, and south of the subject property, and the C3 General Business district is adjacent to the north. The applicant has proposed to use the site for a Class C Cultivation facility for recreational marihuana. A Class C marihuana grower license permits up to 2,000 plants. By definition of the Zoning Ordinance, “marihuana grower” is a type of adult use marihuana establishment. All adult use marihuana establishments are permitted as a special land use in the General Industrial District.

Andy Moore with Williams and Works then reviewed the Site Plan Review Standards A-F.

Commissioner Chambers questioned whether they were going to use water and sewer there.

Broc Crider stated it was well and septic.

Commissioners agreed they should have to hook up to City water and sewer. Chair Barker asked about fence.

Chair Barker asked if there were any public comments.

Craig Fonger who resides at 827 asked about a road going through the property and if it was an easement and Crider stated that it was.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to accept that all the Site Plan Review Standard A-F are met.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

Andy Moore then reviewed the Special Land Use Standards A-F with the Commissioners.

Chair Barker stated he would like to see more landscaping with the approval.

Chambers suggested eight trees, and 24 shrubs (half of them being evergreens).

Moore will send out their odor control plan.

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

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

NO: None. ABSENT: None. MOTION CARRIED.

Moore then reviewed the Adult Use Marihuana Establishment Special Land Use Standards B-N with the Commissioners.

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

Chair Barker closed the Public Hearing.

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, Lowell Light and Power, 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 submit all missing site plan items of Sections 18.04 B, 17.04 FF(3), and 17.04 FF(4), as listed above, unless specifically waived by the Zoning Enforcement Officer.
6. The applicant shall receive licensing as a Class C Marihuana Grower through the State of Michigan and submit a copy of this license to the City.
7. Landscaping shall comply with Section 4.26 of the Zoning Ordinance, unless specifically modified by the Planning Commission.
8. Exterior lighting shall comply with the lighting standards of Section 4.24 and 19.03 C of the Zoning Ordinance.
9. Parking spaces shall meet the minimum regulations of 19.03 H and 19.06 B of the Zoning Ordinance. One ADA van accessible space shall be included that meets the 2010 ADA Standards.
10. An off-street loading space shall be included in the site plan, which meets the requirements of Section 19.08 of the Zoning Ordinance.
11. Signage shall comply with Chapter 20 of the Zoning Ordinance.
12. 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.
13. The applicant shall update the site plan to depict the location of the 12-foot-wide swing gate. Emergency vehicle accessibility shall be approved by the Lowell Area Fire Department.
14. 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.

15. The applicant shall receive approval from and comply with any stipulations of Lowell Light and Power regarding electricity demand at the marihuana grower establishment.
16. The applicant shall receive approval from and comply with any stipulations of the City Engineer regarding water usage.
17. The applicant shall meet EGLE standards for discharge limits of plant leachate comply with Part 212. A copy of any necessary EGLE permits shall be submitted to the City.
18. The applicant shall maintain odors so any odor generated inside the establishment is not detected outside the building. Doors and windows shall remain closed, except for the minimum time necessary for ingress/egress from the building.
19. The applicant shall maintain all air scrubbing and filtration systems in working order and they must be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.
20. All waste receptacles containing marihuana products shall be secure and locked at all times. The applicant shall indicate the locations of waste receptacles on the site plan and building floor plan.
21. All rooms associated with the growing and processing of marihuana products shall be subject to inspection and approval by the Fire Department to ensure compliance with applicable fire codes.
22. 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, 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.
23. 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.
24. The city shall have the right to examine, monitor, and audit records and documentation demonstrating that all cannabis or cannabis products have been obtained from and are provided to other permitted and licensed cannabis operations. These records and documentation shall be made available to the city upon request.
25. 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, and/or harvesting of marihuana.
26. The security plan shall address the items outlined in our confidential memo dated December 27, 2021, and any other items identified by the City's law enforcement personnel.
27. 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.
28. Property must be connected to public water and public sewer if required by City Ordinances.
29. Applicant to provide 8 trees (at least 4 of which must be evergreens) and 24 shrubs along Bowes Road and shall submit a landscaping plan to that effect for review and approval by the Zoning Enforcement Officer.
30. If a dumpster is added to the property, an updated site plan shall be submitted to the Zoning Enforcement Officer for review and approval. Such dumpster must be enclosed by a 6' fence with a lockable gate.
31. Fence height shall be consistent with previous growing operations approved by the City.

IT WAS MOVED BY BARKER and seconded by PLANK to approve Trinity Cannabis Special Land Use at 2125 Bowes St with the above 31 conditions met as listed.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

8. **STAFF REPORT.**

There was no report.

9. **COMMISSIONERS REMARKS.**

Commissioner Schrauben asked about the building at 805 E Main and since it is for sale again...whether or not we should revisit allowing Adult Use Marihuana establishments at that location.

Andy Moore stated it is already written what you approved last year and it won't change, but he will provide a handout to explain the details and if you want to change that, we can go through the process.

Chair Barker asked about the joint meeting with the City of Lowell, Lowell Township and Vergennes and asked City Clerk Sue Ullery to add the date to the City Planning meeting dates calendar. Barker also asked Moore when was the last time the Master Plan was reviewed.

Moore will check into it.

10. **ADJOURNMENT.**

IT WAS MOVED BY CHAMBERS and seconded by PLANK to adjourn at 8:32 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan Ullery, Lowell City Clerk