

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, JANUARY 13, 2020 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, Colin Plank, Michael Gadula, Marty Chambers, Amanda Schrauben, Dave Cadwallader, and Chair Bruce Barker.

Absent: None.

Also Present: Andy Moore with William & Works, City Manager Michael Burns and 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: 7 NO: None. ABSENT: None. MOTION CARRIED.

b. Vice Chair and Review and adoption of Planning Commission Rules of Procedure

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

YES: 7 NO: None. ABSENT: None. MOTION CARRIED.

3. **APPROVAL OF AGENDA.**

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

YES: 7. NO: None. ABSENT: None. MOTION CARRIED.

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

IT WAS MOVED BY CHAMBERS and seconded by CADWALLADER to approve the minutes of the December 9, 2019 Planning Commission regular meeting as written.

YES: 7. 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. Public Hearing - Site Plan Review and Special Land Use – 1965 W. Main.

Andrea Hendricks who resides in Grand Haven and is here representing Meds Café spoke and explained the

intent of the applicants and their site plan. Hendricks's discussed the landscaping requirements and what they are proposing, addressed delivery, hours of operation, odor and enclosure/locks on the dumpster as well as answered questions.

Andy Moore with Williams & Works reviewed his memo. Moore gave a background synopsis stating the subject property has an area of approximately 0.61 acres in the C3 General Business district. Currently, the property contains a vacant building that was previously used for retail purposes (Family Video). The applicant is proposing to utilize the existing building for the marihuana establishment. The C3 General Business district is located to the east and west of the subject property, the R3 Multiple Family Residential district is adjacent to the north, and the MHP Manufactured Home Park District is located across Main Street to the south. There is a 4,038 square foot vacant building located on the site which the applicant is proposing to use for an adult use marihuana establishment. The applicant has proposed to use this building as a recreational marihuana retail facility, with no on-site cultivation or consumption of the product. By definition, marihuana retailer is a type of adult use marihuana establishments and are permitted as a special land use in the C3, General Business district. The owner of the property is Showboat Properties, LLC. The applicant has submitted a statement of consent from this owner, dated December 16, 2019, acknowledging the use of the property for the proposed use.

Andy Moore with Williams & Works then reviewed the Site Plan. Then Moore reviewed all the Site Plan Standards and Moore and all Commissioners agreed that all six standards have been met.

Then Moore reviewed the Special Land Use Standards and Moore and all the Commissioners agreed that all six standards have been met.

Moore then went through the Adult Use Marihuana Establishment Special Land Use Standards and Moore and all the Commissioners agreed that all thirteen standards have been met.

After careful consideration, the Planning Commission went on to recommend approval of the Site Plan for 1965 W. Main with the following conditions included:

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, 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 a copy of 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. All exterior lighting shall be indicated on the site plan and comply with the lighting standards of Section 4.24 and 19.03 C of the Zoning Ordinance.
7. One loading and unloading space shall be included on the site plan in accordance with Section 19.08 of the Zoning Ordinance.
8. Signage shall comply with Chapter 20 of the Zoning Ordinance.

9. All landscaping, buffers and/or greenbelts shall be continuously maintained to ensure that proposed uses be adequately buffered from one another and from surrounding public and private property.
10. The security plan shall address the items outlined in our confidential memo dated January 10, 2020.
11. All marihuana and marihuana accessories shall be located within an enclosed, located within an enclosed, locked area, inaccessible on all sides, and equipped with locks that permit access only by the licensed operator or their employees, agents of LARA, law enforcement officers, emergency personnel, and other authorized individuals, as reviewed and approved by the city.
12. The applicant shall submit to the City a summary of procedures for how and where the delivery of marihuana will be received.
13. The applicant shall install additional filtration in the building to the satisfaction of the City should there be any complaints regarding marihuana odor.
14. All waste receptacles containing marihuana products and the trash enclosure shall be secure and locked at all times.
15. The marihuana establishment shall not also sell alcoholic beverages or tobacco products.
16. The marihuana establishment shall comply at all times and in all circumstances with the MTRMA and applicable Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.
17. 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.
18. 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.

IT WAS MOVED BY BARKER and seconded by ELLIS to approve the Site Plan and Special Land Use for 1965 West Main (Meds Café) with the above 18 conditions included.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Public Hearing – Commercial and Industrial Districts.

Andy Moore with Williams & Works went through the districts standards and noted the changes.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to adopt the Commercial and Industrial District Chapters to be forwarded on to City Council for approval.

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

c. Prepare Planning Commission Annual Report for Council.

Andy Moore with William & Works stated he will provide a template for a Planning Commission annual report and Commissioner Schrauben will prepare the annual report that will be submitted to Lowell City Council (the legislative body) to satisfy the Planning Enabling Act.

8. **STAFF REPORT.**

Andy Moore with William & Works introduced Whitney Newberry who is on staff full time now at Williams & Works.

9. **COMMISSIONERS REMARKS.**

Chair Barker stated we can take a look at whatever is left to go through on the Zoning Ordinance in February and March if needed and that should conclude the coverage of it. Moore stated the definitions in the Zoning Ordinance he is keeping those fairly up to date as we go so he doesn't think there will be much to cover on those.

10. **ADJOURNMENT.**

IT WAS MOVED BY CHAMBERS and seconded by CADWALLADER to adjourn at 8:54 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan Ullery, Lowell City Clerk