

**PROCEEDINGS
OF
THE COMMITTEE OF THE WHOLE
OF THE
CITY OF LOWELL & LOWELL PLANNING COMMISSION
MONDAY, AUGUST 19, 2019, 5:30 P.M.**

1. **CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL.**

The Meeting was called to order at 5:30 p.m. by Mayor Mike DeVore.

Present City Council: Councilmembers Canfield, Chambers, Salzwedel, Councilmember Yankovich and Mayor DeVore.

Absent: None.

Also Present: City Manager Mike Burns, City Clerk Susan Ullery and Police Chief Steve Bukala, DPW Director Dan Czarnecki, Andy Williams from Williams & Works, Jessica Wood from Dickinson Wright.

The Meeting was call to order at 5:30 p.m.by Commissioner Chambers.

Present Planning Commission: Councilmembers Ellis, Commissioner Chambers, Commissioner Gadula

It was moved by Commissioner Chambers and seconded by Commissioner Gadula to excuse the absence of Commissioner Schrauben, Commissioner Plank, Commissioner Ellis and Chair Barker.

YES: 3 NO: None. ABSENT: 4 MOTION CARRIED.

2. **MOTION TO APPROVE THE AGENDA.**

IT WAS MOVED BY SALZWEDEL and seconded by CANFIELD to approve the agenda.

YES: Councilmember Canfield, Councilmember Chambers, Councilmember Salzwedel, Councilmember Yankovich and Mayor DeVore.

NO: None. ABSENT: None. MOTION CARRIED.

3. **CITIZEN DISCUSSION FOR ITEMS NOT ON THE AGENDA.**

David Overhall who resides at 4716 S. Derby Sydney, MI thanked the Councilmembers and Commissioners for their hard work and service.

Lowell City Clerk Susan Ullery read a letter into record from Greg Pratt of Lowell Area School stating that he does not wish to see the setbacks established any less than the current setbacks for any marijuana establishments.

4. **REGULATORY AND ZONING ORDINANCE FOR RECREATIONAL MARIHUANA.**

City Manager Mike Burns stated that tonight you are being presented the first draft of the regulatory ordinance along with the recommended zoning ordinance by the Planning Commission. Both ordinances have been modified to comply with the emergency rules established by the Michigan Marihuana Act Agency. Jessica Wood from Dickinson Wright walked through the Regulatory Ordinance with the

City Council and Planning Commissioners very thoroughly to cover everything and discussed some of the hot issues as well as explain that if our City's Ordinance is silent on an issue, the State will most likely allow it as far as what the applicants are asking for. Discussing was held regarding how applications would be received, should there be a buffer between establishments and should we put a cap on the number of establishments as well. Woods went on to explain the process would include each applicant submitting a special land use application as well as paying \$5,000 which is on top of the zoning ordinance fees. Once the application is submitted, the applicant must receive two approvals from the State and two approvals from the City. Burns referred to our potential owner who requested the Council consider such establishments being less than 1,000 square feet from schools and pre-schools. Upon further discussion, the Council did not want anything less than 1,000 feet.

Michael Hooper who owns Hooper Printing located at 2125 Bowes St SE in Lowell, believes that this would displace many businesses. He had many concerns regarding these establishments coming into the City of Lowell.

Brad Closner who resides in Greenville with Closner Farms stated he is looking at property in Lowell for such an establishment and is the one who requested closer distance for an establishment near a church or school because of the location they are interested in.

Ryan Closner, Brads brother, who resides in Lowell Twp. wanted the City Council and Planning Commission to reconsider establishments being closer than 1,000 feet to churches and schools again because of the location they are looking at for their establishment.

Chief of Police Steve Bukala agreed with the 1,000-foot guidelines as it is in line with other State guidelines such as the sex offender list. If you are going to lower it, you may open yourself up to a whole bunch of problems.

Dave Overhall who resides at 4716 S. Derby Sydney, MI went over a few points that they talked about in the planning section.

Andy Moore with Williams and Works reviewed the Zoning Ordinance and the guidelines that have been established by the Planning Commission.

Jessica Wood with Dickinson Wright noted she would provide a copy of a point system and examples of a checklist for candidates.

It was the general consensus of the City Council and Planning Commission that establishments maintain a 1,000-foot setback from schools, pre-schools and daycares.

5. **ADJOURNMENT.**

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to adjourn at 7:24.

YES: 5. NO: 0. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY CHAMBERS and seconded by Ellis to adjourn the meeting at 7:24.

YES: 3. NO: 0. ABSENT: None. MOTION CARRIED.

DATE:

APPROVED:

Mike DeVore, Mayor

Susan Ullery, City Clerk