



**For Immediate Release**

**Contact:** Michael Burns, City Manager  
City of Lowell, 616.897.8457

## **City of Lowell will hold in person and virtual Planning Commission Meeting on Monday March 8, 2021**

As a result of COVID -19 and the current social distancing practices being mandated statewide, the Planning Commission Meeting will be holding their monthly meeting both in person and via teleconferencing on Monday March 8, 2021 at 7:00 P.M.

The Planning Commission will meet via the Zoom Computer Teleconferencing System. The meeting will be held in compliance with Public Act 254 of 2020 pertaining to the ability to conduct public meetings remotely.

The Zoom application allows for interactive public participation. The meeting will be available to those via online and/or telephone. To participate in the meeting via Zoom here is the contact information below:

### **Join Zoom Meeting**

<https://us02web.zoom.us/j/9806911106>

**Meeting ID: 980 691 1106**

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**+1 253 215 8782 US (Tacoma)**

**Meeting ID: 980 691 1106**

You may also provide input or ask questions of the Board relating to any items of business that will come before them at the meeting by emailing the City Clerk at [sullery@ci.lowell.mi.us](mailto:sullery@ci.lowell.mi.us) who will forward them to the Lowell Planning Commission, or by mailing them via regular U.S. Postal service to c/o City Clerk, City of Lowell, 301 E. Main St, Lowell, MI 49331, or by calling 616-897-8457.

Persons with disabilities may attend and participate using any of the above described methods. If you require special accommodations, please email [mburns@ci.lowell.mi.us](mailto:mburns@ci.lowell.mi.us) and we will be happy to accommodate you. If you have any questions or need further assistance, please email [sullery@ci.lowell.mi.us](mailto:sullery@ci.lowell.mi.us). More meeting information, including the meeting agenda, will be available at our website [www.lowellmi.gov](http://www.lowellmi.gov).

**According to the Attorney General, interrupting a public meeting in Michigan with hate speech or profanity could result in criminal charges under several State statutes relating to Fraudulent Access to a Computer or Network (MCL 752.797) and/or Malicious Use of Electronics Communication (MCL 750.540). According to the US Attorney for Eastern Michigan, Federal charges may include disrupting a public meeting, computer intrusion, using a computer to commit a crime, hate crimes, fraud, or transmitting threatening communications. Public meetings are being monitored and violations of statutes will be prosecuted.**

**# # #**



301 East Main Street  
Lowell, Michigan 49331  
Phone (616) 897-8457  
Fax (616) 897-4085

PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE  
CITY OF LOWELL, MICHIGAN  
AGENDA  
FOR THE **"IN PERSON AND VIRTUAL"** REGULAR MEETING OF  
MONDAY, MARCH 8, 2021 AT 7:00 P.M.

Join Zoom Meeting

<https://us02web.zoom.us/j/9806911106>

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1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS
  - a. February 8, 2021 – Regular Meeting
4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
5. OLD BUSINESS
6. NEW BUSINESS
  - a. Public Hearing – Text Amendment to Light Industrial District – and Site Plan Review/Special Land Use Review for 211 S. Washington – Vehicle Towing Service.
  - b. Public Hearing – Site Plan Review/Special Land Use – 1250 W. Main Street – Adult Use Marihuana Establishment.
  - c. Site Plan Review – 413 E. Main Street – Dollar General
  - d. Public Hearing – Site Plan Review/Special Land Use – 1279 W. Main Street – Jimmy Johns Restaurant – Drive-through facility.
7. STAFF REPORT
8. COMMISSIONERS REMARKS
9. ADJOURNMENT

OFFICIAL PROCEEDINGS  
OF THE  
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE  
CITY OF LOWELL, MICHIGAN  
FOR THE REGULAR MEETING OF  
MONDAY, FEBRUARY 08, 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, Dave Cadwallader, and Chair Bruce Barker.

Absent: Commissioners Amanda Schrauben and Marty Chambers.

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

2. EXCUSE OF ABSENCES.

IT WAS MOVED BY BARKER and seconded by CADWALLADER to excuse the absences of Commissioners Schrauben and Chambers.

YES: 5. NO: None. ABSENT: 2. MOTION CARRIED.

3. APPROVAL OF AGENDA.

IT WAS MOVED BY CADWALLADER and seconded by GADULA to approve the agenda as amended.

YES: 5. NO: None. ABSENT: 2. MOTION CARRIED.

4. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING.

IT WAS MOVED BY CADWALLADER and seconded by GADULA to approve the minutes of the January 11, 2021 Planning Commission regular meeting as written.

YES: 5. NO: None. ABSENT: 2. MOTION CARRIED.

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

There were no comments.

6. OLD BUSINESS.

a. Annual Report. Commissioner Ellis presented the annual report that he drafted for the City Council. Chair Barker thanked him for his work.

b. Zoning Ordinance - Definitions.

Andy Moore with Williams & Works reviewed the Zoning Ordinance definitions, will prepare to schedule a Public Hearing for the April meeting and then recommend approval to the City Council.

c. Training.

There were no questions from the Commissioners. Chair Barker suggested any future topics or questions be emailed to Andy Moore with Williams Works that can be incorporated into future meetings for discussion.

7. **NEW BUSINESS.**

a. **225 S. Washington – Initial Discussion – Site Plan Review – (Rezone or Text Amendment).**

Chris Nelson spoke and explained his idea of using the property as a small engine repair and towing company, leasing the building from Greg Canfield.

Andy Moore explained the problem is that this property is zoned Light Industrial (LI) and towing is not permitted in LI.

After discussion between the Commissioners, Moore was directed to keep the property zoned as Light Industrial, write a text amendment that will permit Nelson Towing Service as a Special Land Use in that district. Then at the next Planning Commission Meeting, there will be a Public Hearing on both the text amendment and a Public hearing and Site Plan Review for Chris Nelson's application. If those are approved by Planning Commission and recommended to go to City Council for approval, there will be a condition added to the Special Land Use approval that it will not become effective until the text amendment is adopted and effective by the City Council.

8. **STAFF REPORT.**

Moore said there are three or four items out there that will be coming to the Planning Commission soon. Also, we may need to clean up the Ordinance regarding temporary tents and structures for outdoor seating etc.

Lowell City Clerk Sue Ullery stated she received two site plan review applications today.

9. **COMMISSIONERS REMARKS.**

Commissioner Ellis asked if his report was alright and Chair Barker said it was.

10. **ADJOURNMENT.**

IT WAS MOVED BY CADWALLADER and seconded by GADULLA to adjourn at 7:46 p.m.

DATE:

APPROVED:

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Bruce Barker, Chair

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Susan Ullery, Lowell City Clerk

Request Number: \_\_\_\_\_

Filing Fee: \_\_\_\_\_



301 East Main Street  
Lowell, Michigan 49331  
Phone (616) 897-8457  
Fax (616) 897-4085

## APPLICATION FOR SITE PLAN REVIEW / SPECIAL LAND USE

- All drawings must be sealed by an architect, engineer or surveyor unless waived by the Zoning Administrator.
- 15 copies of the site plan must be submitted to the City Manager's office no later than four weeks the Planning Commission meeting to allow adequate staff review.
- The Planning Commission meets the second Monday of the month at 7:00 p.m. where plans are approved, rejected or modified.
- Preliminary plans may be presented for Planning Commission comment, but no final approval is given until all required conditions are met.
- After approval, public works and building permits must be secured before construction may commence.

1. Street Address and/or Location of Request: 211 S. WASHINGTON
2. Parcel Identification Number (Tax I.D. No.): #41-20- 02-435-006
3. Applicant's Name: Chris Nelson Phone Number 616-210-0023  
Address: 10788 Sayles Rd Lowell MI 49331  
Street City State Zip  
Fax Number \_\_\_\_\_ Email Address nb towing llc@gmail.com
4. Are You: ☐ Property Owner ☐ Owner's Agent ☐ Contract Purchaser ☐ Option Holder
5. Applicant is being represented by: \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address: \_\_\_\_\_
6. Present Zoning of Parcel \_\_\_\_\_ Present Use of Parcel \_\_\_\_\_
7. Description of proposed development (attach additional materials if needed):  
Fence in Property, Pave the area already covered by millings  
and use the facility as impound yard and small engine  
Auto Repair.

The facts presented above are true and correct to the best of my knowledge.

Signature: Greg Canfield Date: 12-21-20

Type or Print Your Name Here: GREG CANFIELD

Property Owner Approval: As owner I hereby authorize the submittal of this application and agree to abide by any decision made in response to it.

Owner

Greg Canfield

Date



301 East Main Street  
Lowell, Michigan 49331  
Phone (616) 897-8457  
Fax (616) 897-4085

## CITY OF LOWELL

### PUBLIC NOTICE

Please take notice that the Lowell Planning-Citizens Advisory Commission will hold a public hearing at Lowell City Hall, located at 301 East Main Street, Lowell, MI 49331 on Monday, March 8, 2021, at 7:00 PM. The subject of the hearing will be:

As a result of COVID – 19 and the current social distancing practices being mandated statewide, the meeting may be held via the Zoom Computer Teleconferencing System. Please visit our website at [www.lowellmi.gov](http://www.lowellmi.gov) to verify how the meeting will be held.

#### **Proposed Vehicle Towing Service at 211 S. Washington Street SE**

An application has been submitted by Mr. Chris Nelson for a vehicle towing service at 211 S. Washington Street SE (PPN 41-20-02-435-006). Subject to a Zoning Ordinance text amendment also under being considered at this meeting, vehicle towing services would be permitted in the I-L Light Industrial district only with special land use approval from the Planning Commission.

Copies of the application and the City's Zoning Ordinance are available for public viewing during regular business hours at Lowell City Hall, 301 East Main Street, Lowell, Michigan. Written comments will be received until the night of the hearing.

The City will provide necessary reasonable auxiliary aids and services to those with disabilities planning to attend upon three (3) days' notice to the City Clerk. Individuals who require such services should contact the City at the address listed above or by telephone at 616-897-8457.

Respectfully,

Susan Ullery  
Lowell City Clerk



# williams&works

engineers | surveyors | planners

## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** March 4, 2021  
**From:** Andy Moore, AICP  
Whitney Newberry  
**RE:** 211 South Washington – Special Land Use Application

Mr. Chris Nelson has applied for site plan review and special land use approval to operate a towing service facility at 211 South Washington Street SE (PPN 41-20-02-435-006). The purpose of this memorandum is to review the request pursuant to Chapter 17 of the City of Lowell Zoning Ordinance.

### Background

The subject property is approximately 0.6 acres in the I-L Light Industrial district. The site contains two existing buildings totaling about 6,680 square feet. There are also existing gravel parking areas and asphalt drives. This site is a corner lot surrounded by residential properties in the R3 Multiple Family Residential district. Across Washington Street is the General Industrial district and across Front Street is the Light Industrial and Public Facilities districts.



The applicant is proposing to operate a vehicle towing service on the subject property. Currently, vehicle towing services are permitted by right in the General Industrial district and by special land use in the General Business district. A text amendment has been proposed to also allow vehicle towing services in the I-L Light Industrial district. Therefore, the approval of this application would be contingent upon the acceptance of the proposed amendment to the Zoning Ordinance, and that amendment becoming effective following City Council approval.

### Completeness of Submission

Section 18.04 B provides a list of information required for final site plan review unless deemed unnecessary by the zoning enforcement officer. The applicant has submitted a site plan for review. Most of the items required for detailed site plan review are not included on the site plan; however, because the applicant is not proposing exterior changes to buildings on the site, many of these items may not be necessary. At a minimum, we recommend the following be included on the site plan:



- Dimensions of all existing driveways
- The location of any existing or proposed signs, exterior lighting, and parking areas (with dimensions of a typical parking space and total number to be provided)
- The location and size of all surface water drainage facilities

## **SITE PLAN REVIEW**

**Setbacks and Dimensional Requirements.** All setbacks are not indicated on the site plan; however, the applicant is not proposing any changes to the existing buildings. It appears that the existing buildings would not meet setback requirements of the I-L district, but would be permitted to continue as legally nonconforming buildings.

**Parking.** The site's current arrangement includes two driveways to provide access to a gravel parking area. Section 17.04 CC(5) requires all surfaces for maneuvering and motor vehicle storage to be paved. Therefore, this parking area should be paved with asphalt or concrete to accommodate the storage and parking of vehicles associated with the towing service. The Planning Commission should discuss this with the applicant.

Parking spaces must be provided and maintained in the proper ratio with any change in use (Section 19.04, D). Parking spaces are not included on the site plan. A parking space requirement for a towing service facility is also not provided in the Ordinance. Therefore, the zoning enforcement officer shall use the requirement most similar to a towing service use (Section 19.04, C). In our opinion, an industrial establishment appears to be the most similar use in Section 19.07, which would equate to five required parking spaces. The Planning Commission may increase or decrease this amount in accordance with Section 19.04 M if the applicant demonstrates that a different parking demand is expected. Since many vehicles on the property will not be operational, striping for towed vehicles may not be necessary.

**Lighting.** Outdoor lighting is not depicted on the site plan and there appear to be no changes to the exterior lighting; however, Section 17.04 CC(8) requires the lighting of outdoor storage areas. This will be addressed under our review of this standard below.

**Signage.** Signage is not depicted on the site plan. Any signage should comply with Chapter 20. This may be included as a condition of approval.

**Site Development Requirements.** Section 12A.04 provides site development requirements for the I-L Light Industrial district. Each subsection is listed below, along with our remarks on each:

- A. Permitted and special land uses in this chapter shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid non-combustible fence or wall at least six (6) feet in height; provided further that no goods, materials, or objects shall be stacked higher than the fence or wall.

**Remarks:** The site plan indicates the location of existing arborvitaes, which are adjacent to residential properties to provide screening. The applicant is also proposing a six-foot fence behind the arborvitaes. The Planning Commission may inquire as to the type of fence proposed to ensure it is a solid, non-combustible fence.

- B. The outdoor storage of goods or materials shall be prohibited in the required front yard or within any yard abutting a residential district or use.

**Remarks:** The applicant is not proposing the outdoor storage of other goods, materials, or objects. Parking of vehicles in association with the towing service would be adjacent to residential districts; however, this would be in a defined parking lot and involve transient vehicles, not for long-term outdoor storage of goods or materials. Therefore, this standard is not applicable.

- C. Landscaping shall be provided as required in Section 4.26.

**Remarks:** The site currently contains seven deciduous trees along Washington and Front Streets. There is also an existing hedge of arborvitaes along adjacent residential districts and the applicant is proposing a six-foot-tall fence adjacent to residential districts. Section 4.26 E(1) requires a fence between six and eight feet tall when an industrial district is adjacent to a residential district, or a landscaped buffer at least partially comprised of evergreen trees to provide screening. The applicant's proposed combination of a six-foot fence and evergreen arborvitaes appears to meet this standard.

Section 4.26 E(2) requires one canopy tree and three deciduous shrubs for each 30 feet of front yard lot width. As a corner lot, the subject property has two front yards. This equates to four trees and 13 shrubs along Washington Street and six trees and 18 shrubs along Front Street. Several shrubs are planted around the existing building, meeting this standard. Each front yard is short one deciduous tree. The Planning Commission may discuss whether the existing landscaping meets the intent of this section and may modify the requirements in accordance with Section 4.26 B.

Any required changes in the parking lot would not require additional parking lot landscaping in accordance with Section 4.26 E(3), as the parking lot would neither be adjacent to a street frontage nor contain more than 20 spaces.

- D. Any side yard or rear yard adjoining any lot or parcel of land abutting a residential district or residential use shall be screened by a compact hedge of deciduous or evergreen trees, having such minimum height as determined by the planning commission in its review and approval of the site plan under the terms of Chapter 18.

**Remarks:** The site plan indicates an existing hedge of evergreen arborvitaes along residential district boundaries. The Planning Commission may discuss whether the existing height and condition of these trees provide a sufficient screen.

- E. No parking area shall be located nearer than twenty-five (25) feet to any rear lot line.

**Remarks:** Because the subject property is a corner lot, it contains two front lot lines: a principal lot line and a secondary lot line. The rear lot line is opposite of the principal lot line, which is located along Washington Street. The parking area is set back from this lot line, although a distance is not provided. While it is likely that this standard is met, the Planning Commission may confirm this with the applicant and include this as a condition of approval.

- F. No use permitted in this chapter shall create or cause to be created fire and explosion hazards, smoke, fumes, odors, gases, dust, fumes, liquid or solid waste, vibration, noise, or glare shall exist to affect adjoining residential properties adversely.

**Remarks:** The towing service use is not expected to create adverse impacts as described in this standard. The Planning Commission may find this standard met.

- G. Ingress to and egress from any lot or parcel of land shall be designed and used so as to maximize pedestrian safety, ease of traffic flow and control and ready access by emergency vehicles and personnel.

**Remarks:** The applicant is not proposing any changes to the vehicle or pedestrian circulation to and from the site. While it is likely this standard remains met, the Planning Commission may defer to the Lowell Area Fire Department for additional comments.

- H. Off-street parking and loading areas must be hard-surfaced and designed and used so as to avoid significant adverse impacts on adjacent and nearby lands.

**Remarks:** The majority of the existing parking area is gravel, with a small section proposed to be concrete. Section 17.04 CC(5) also requires paved parking and maneuvering areas. This will be further addressed below in relation to this special land use standard.

- I. Refuse and service areas shall be designed and used so as to maximize motor vehicle and pedestrian safety and convenience, promote ease of traffic flow and to minimize the effects, if any, of smoke, noise, dust, vibration, or odor on adjacent or nearby lands.

**Remarks:** Refuse and service areas are not indicated on the site plan. These may not be necessary outside of the building. The Planning Commission may discuss with the applicant whether any refuse or service areas would be necessary outside.

**Site Plan Review Standards.** In order to approve a special land use, the Planning Commission must find that each of the standards listed in Section 18.06 would be met. Following are those standards and our remarks on each:

- A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, the uses on adjoining property, and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.

**Remarks:** The applicant is proposing to use existing buildings to accommodate the towing service, so the relationship between the buildings and adjacent sites would remain unchanged. The change in use to a towing service is not expected to adversely affect public health, safety, or welfare. However, because the site is adjacent to the R3 Multiple Family Residential district, sufficient screening should be present between uses to mitigate any impacts from traffic on the site. The orientation of any lighting in the outdoor vehicle parking area should also be considered. Provided landscaping and fencing are found to provide sufficient screening for adjacent residential uses, the Planning Commission may find this standard met. The Planning Commission may also consider public comment in this regard.

- B. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets, and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.

**Remarks:** The applicant is not proposing any changes to vehicular and pedestrian circulation. Two driveways provide access to the parking area, one from each street frontage. Another drive also provides access from Washington Street to an overhead door on the main building. Sidewalks would also be retained along each street frontage. This existing arrangement appears to maintain adequate circulation for the proposed use and the Planning Commission may find this standard met.

- C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the City of Lowell.

**Remarks:** The applicant is not proposing any changes to vehicular or pedestrian connections to Washington and Front Streets. Use of the existing driveways is expected to maintain safe and efficient circulation. The presence of other industrial uses across Washington Street suggests this street can accommodate some industrial traffic. A towing service is not expected to compromise the existing circulation system. The Planning Commission may find this standard met.

- D. Removal or alteration of significant natural features shall be restricted to those areas, which are reasonably necessary to develop the site in accordance with the requirements of this ordinance. The planning commission requires that approved landscaping, buffers and/or greenbelts be continuously maintained to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

**Remarks:** The applicant is not proposing the removal of any significant natural features. Maintenance of landscape buffers may be included as a condition of approval.

- E. Satisfactory assurance shall be provided that the requirements of all other applicable ordinances, codes, and requirements of the City of Lowell will be met.

**Remarks:** If approved, a condition of approval is recommended that the applicant maintain continual compliance with other applicable ordinances, codes, and requirements.

- F. The general purposes and spirit of this ordinance and the Comprehensive Plan of the City of Lowell shall be maintained.

**Remarks:** The purpose of the Ordinance includes the provision of land uses that are situated in appropriate locations; limitation of congestion of population and transportation systems and other public facilities; to provide adequate and efficient transportation systems and other public services and facilities; and to promote the public health, safety, and welfare. A text amendment is proposed to allow towing service facilities in the I-L Light Industrial district. Provided this amendment is approved and a towing service facility is permitted as a special land use in the I-L Light Industrial district, the Planning Commission may find that the general purposes and spirit of the Ordinance would be maintained.

The City of Lowell's Master Plan was adopted in 2007 and outlines a desired vision for land uses in the City. The subject property is located in the Downtown Edge future land use category. Land in this category is intended to function as a transition between the downtown along M-21 and surrounding residential neighborhoods. The intent of this category is to limit uses compared to downtown to provide an area that is more compatible with residential uses. Recommended land uses include office and residential uses, while retail commercial uses are not desired due to impacts associated with hours of operation and traffic. Industrial uses are not considered in this category and the proposed use seems to have a moderate intensity compared to examples in the text. While it would likely be less intense than retail commercial uses, it would likely not be as quiet as office uses. The Planning Commission may evaluate the proposed use with consideration of its impact on traffic and hours of operation.

**Special Land Use Review Standards.** In order to approve a special land use, the Planning Commission must find that the proposed special land use meets each of the following standards in accordance with Section 17.03. Following are these standards and our remarks on each:

- A. The proposed special land use shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;

**Remarks:** The proposed use is generally along a boundary between residential and industrial districts. While industrial and public facility uses are located across Washington and Front streets, all adjacent properties are in the R3 Multiple Family Residential district. Therefore, while the proposed use appears to align with the character of the general area, impacts from the use should be carefully considered due to its proximity to residential uses. Because the applicant is proposing to use all existing buildings and parking areas, the impact on adjacent properties in terms of appearance is expected to remain the same. Therefore, impacts from the proposed operations on

adjacent residences should primarily be considered. This may include the frequency of traffic on the site and proposed hours of operation. The Planning Commission may discuss these with the applicant. The Planning Commission may also consider comments from the public in this regard.

- B. The proposed special land use shall be generally consistent with the City of Lowell Master Plan;

**Remarks:** See comments under Site Plan Review, F above.

- C. The proposed special land use shall be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water, and sewage facilities;

**Remarks:** The site plan does not indicate the location of public utilities such as water or sewer, or stormwater drainage facilities. Because the applicant is proposing to use existing buildings, additional connections to public utilities are not proposed or expected to be necessary. However, because the existing gravel parking lot will require paving in accordance with Sections 17.04 CC(5) and 12A.04 H, stormwater facilities will likely require modification. The Planning Commission should address this with the applicant and may defer to the City Engineer for additional comments regarding the need for stormwater facilities.

While the applicant is not proposing any changes to the design of existing access driveways, gates are proposed across each driveway to limit access to the main parking area. The Planning Commission may also defer to the Lowell Area Fire Department regarding continued emergency vehicle accessibility on the site.

- D. The proposed special land use shall not create excessive additional requirements at public cost for public facilities and services;

**Remarks:** The proposed use is not expected to create excessive additional requirements, as existing buildings and utilities would be used. The Planning Commission may find this standard met.

- E. The proposed special land use shall not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

**Remarks:** The proposed use is not expected to create excessive smoke, fumes, glare, or odors. Traffic and noise may be associated with the use, but it is unlikely that these would be considered excessive. The operation would be limited to the towing service and associated vehicle repair is not proposed. To better understand the extent of the operation, the Planning Commission may discuss the anticipated traffic volume with the applicant.

- F. 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.

**Remarks:** If approved, the Planning Commission may include this standard as a condition of approval.

**Vehicle Towing Service Standards.** In addition to the general standards for special land uses in Section 17.03, the Planning Commission must also find that the proposed special land use would comply with specific operational standards established for vehicle towing services as listed in Section 17.04 CC. Following are those standards, along with our remarks on each:

- A. All buildings, structures and parking areas shall be arranged so as to allow all maneuvering of tow trucks, flatbed trucks and other equipment transporting or towing motor vehicles to conduct operations entirely on the site of the vehicle towing service property without encroaching onto the public right-of-way except when entering and exiting the site.

**Remarks:** The site is expected to accommodate the maneuvering of all tow trucks, flatbed trucks, or other towing motor vehicles. The applicant is proposing to use two existing driveways and a parking area. This arrangement would allow vehicles to pull through the site with minimal maneuvering and would prevent encroachment onto the public right-of-way. The Planning Commission may find this standard met.

- B. A vehicle towing service shall not engage in salvage operations, sale of parts or dismantling of motor vehicles.

**Remarks:** The applicant has not proposed any salvage operations, sale of parts, or dismantling of vehicles. If approved, the Planning Commission may include this standard as a condition of approval.

- C. A vehicle towing service shall not engage in motor vehicle repair activities unless it is also approved as a vehicle repair facility.

**Remarks:** The applicant has not proposed any motor vehicle repair activities on the site. If approved, the Planning Commission may include this standard as a condition of approval.

- D. Motor vehicles stored at a vehicle towing service site shall (a) be kept within an enclosed building or structure or outdoors in a secure fenced-in area screened from view with appropriate approved landscaping and (b) not be stored outdoors for more than thirty (30) days.

**Remarks:** The applicant may be able to store towed vehicles indoors and outdoors on the site. The main building contains an overhead door and an existing asphalt drive from Washington Street that may provide indoor storage. The applicant has also proposed a fence and gates around the parking area, which would provide a secure area for vehicle storage. Provided landscaping is found to provide a sufficient screen along with the fence, the Planning Commission may find this standard met. The Planning Commission may also include a 30-day storage limit as a condition of approval.



- E. All surfaces for maneuvering and storage of motor vehicles shall be paved with asphalt or concrete and shall be graded to conduct stormwater to a collection system approved by the city.

**Remarks:** A paved surface is required in this special land use standard and is also a site development standard in Section 12A.04 H. While the existing drives off Front Street and to the overhead building door are paved, many other areas are gravel. The majority of the parking area is gravel, with a smaller area proposed to be concrete. It seems likely that much of the gravel area would also be necessary for maneuvering and parking and therefore require paving. The Planning Commission may discuss this with the applicant. Further, the additional pavement would require a stormwater collection system on the property. A stormwater collection system is not currently proposed. The Planning Commission may defer to the City Engineer for comments regarding the necessity and scope of a stormwater system.

- F. Motor vehicles stored on a vehicle towing service site shall be stored within or upon containment equipment intended to capture any fluids which may leak from the motor vehicles.

**Remarks:** The applicant has proposed a small concrete parking area, which may be intended to function as a containment pad for towed vehicles. Additionally, if any towed vehicles are proposed for storage indoors there may be additional containment equipment inside. However, specific containment equipment areas not indicated on the site plan. The Planning Commission may discuss this with the applicant.

- G. All hazardous or toxic wastes accumulated on a vehicle towing service site shall be stored and disposed of in accordance with applicable state and federal requirements. No hazardous or toxic substances shall be discharged to the public sanitary sewer or stormwater systems or to groundwater or surface water features.

**Remarks:** The applicant has not addressed storage and disposal of any hazardous or toxic wastes accumulated with the towing service site. The Planning Commission may discuss this with the applicant. If approved, the Planning Commission may include this standard as a condition of approval.

- H. Any outdoor storage area shall be illuminated and comply with the standards of section 4.24.

**Remarks:** The applicant has proposed an outdoor parking area, containing mostly gravel and some concrete. While storage could occur indoors and outdoors, it is likely that at least some storage would occur outside and would require illumination. Lighting is not included in the site plan. The Planning Commission may address this with the applicant. If approved, the Planning Commission may include this standard as a condition of approval.

**Recommendation.** At the March 8 public hearing, the Planning Commission should discuss the site plan, application, and carefully consider any comments from the public and the applicant. Subject to those comments, the Planning Commission may approve the application. If the

Planning Commission approves the special land use and site plan, we suggest the following conditions be included, along with any others deemed necessary:

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 Engineer, Lowell Area Fire 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 maintain continual compliance with other applicable ordinances, codes, and requirements of the City of Lowell.
5. The special land use shall not become effective unless the proposed Zoning Ordinance text amendment to allow vehicle towing services in the I-L Light Industrial district is approved by City Council and becomes effective.
6. The applicant shall submit the minimum missing site plan items of Sections 18.04 B as identified under Completeness of Submission above, unless specifically waived by the Zoning Enforcement Officer.
7. Any signage shall comply with Chapter 20 of the Zoning Ordinance.
8. The applicant shall comply with the landscape requirements of Section 4.26, unless specifically modified by the Planning Commission.
9. No parking area shall be located within twenty-five (25) feet to any rear lot line.
10. 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.
11. The vehicle towing service shall not engage in salvage operations, sale of parts, or dismantling of motor vehicles.
12. The vehicle towing service shall not engage in motor vehicle repair activities unless it is also approved as a vehicle repair facility.
13. Motor vehicles stored at the vehicle towing service site shall not be stored outdoors for more than 30 days.
14. All surfaces for maneuvering and storage of motor vehicles shall be paved with asphalt or concrete and shall be graded to conduct stormwater to a collection system approved by the city.
15. Motor vehicles stored on a vehicle towing service site shall be stored within or upon containment equipment intended to capture any fluids which may leak from the motor vehicles.
16. All hazardous or toxic wastes accumulated on a vehicle towing service site shall be stored and disposed of in accordance with applicable state and federal requirements. No

hazardous or toxic substances shall be discharged to the public sanitary sewer or stormwater systems or to groundwater or surface water features.

17. Any outdoor storage area shall be illuminated and comply with the standards of section 4.24.

As always, please contact us if there are any questions.

c: Sue Ullery, City Clerk

**CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 21-\_\_**

**AN ORDINANCE TO AMEND SECTION 12A.03, "SPECIAL LAND USES"  
OF CHAPTER 12A, "I-L LIGHT INDUSTRIAL DISTRICT" OF  
APPENDIX A, "ZONING," OF THE CODE OF ORDINANCES OF THE  
CITY OF LOWELL**

Councilmember \_\_\_\_\_, supported by Councilmember \_\_\_\_\_, moved  
the adoption of the following ordinance:

**THE CITY OF LOWELL ORDAINS:**

**Section 1. Amendment to Section 12A.03 of Chapter 12A.** Section 12A.03, "Special Land Uses," of Chapter 12A, "I-L Light Industrial District" of Appendix A, "Zoning," of the Code of Ordinance of the City of Lowell is amended by adding a new subsection J which reads as follows:

J. Vehicle towing service

**Section 2. Publication.** After its adoption, the City Clerk shall publish this ordinance or a summary thereof, as permitted by law, along with its date of adoption in the *Lowell Ledger*, a newspaper of general circulation in the City, at least ten (10) days before its effective date.

**Section 3. Effective Date.** This ordinance shall take effect ten (10) days after it, or a summary thereof, as permitted by law, along with the date of its adoption, is published in the *Lowell Ledger*, a newspaper of general circulation in the City.

YES: Councilmembers \_\_\_\_\_

\_\_\_\_\_

NO: Councilmembers \_\_\_\_\_

ABSTAIN: Councilmembers \_\_\_\_\_

ABSENT: Councilmembers \_\_\_\_\_

**ORDINANCE DECLARED ADOPTED.**

Dated: \_\_\_\_\_, 2021

\_\_\_\_\_  
Susan Ullery  
City Clerk

**CERTIFICATION**

I, the undersigned City Clerk of the City of Lowell, Michigan (the "City"), certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held on \_\_\_\_\_ 2021, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents and its effective date, was published in the *Lowell Ledger*, on \_\_\_\_\_, 2021. I further certify that the above ordinance was entered into the Ordinance Book of the City on \_\_\_\_\_, 2021, and was effective \_\_\_\_\_, 2021, ten (10) days after publication.

Dated: \_\_\_\_\_, 2021

\_\_\_\_\_  
Susan Ullery  
City Clerk

Request Number: \_\_\_\_\_

Filing Fee: \_\_\_\_\_



301 East Main Street  
Lowell, Michigan 49331  
Phone (616) 897-8457  
Fax (616) 897-4085

### APPLICATION FOR SITE PLAN REVIEW / SPECIAL LAND USE

- All drawings must be sealed by an architect, engineer or surveyor unless waived by the Zoning Administrator.
- 15 copies of the site plan must be submitted to the City Manager's office no later than four weeks the Planning Commission meeting to allow adequate staff review.
- The Planning Commission meets the second Monday of the month at 7:00 p.m. where plans are approved, rejected or modified.
- Preliminary plans may be presented for Planning Commission comment, but no final approval is given until all required conditions are met.
- After approval, public works and building permits must be secured before construction may commence.

1. Street Address and/or Location of Request: 1250 W Main St. Lowell, MI 49331
2. Parcel Identification Number (Tax I.D. No.): #41-20-03-478-001
3. Applicant's Name: Brian Toma Phone Number 586-222-2232  
Address: 222 E Merrill St. STE 102 Birmingham, MI 48009  

Street

City

State

Zip

Fax Number 248-792-9796

Email Address brian@btholdings.com
4. Are You:    Property Owner    Owner's Agent    ☒ Contract Purchaser    Option Holder
5. Applicant is being represented by: ZA Design Build Phone Number 248-767-6928  
Address: 31313 Northwestern Hwy, Ste 104 Farmington Hills, MI 48334
6. Present Zoning of Parcel C-3 General Bus    Present Use of Parcel \_\_\_\_\_
7. Description of proposed development (attach additional materials if needed):  
Adult-Use Marihuana Retail Establishment.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The facts presented above are true and correct to the best of my knowledge.

Signature: [Signature] Date: 2/8/21

Type or Print Your Name Here: Brian Toma

Property Owner Approval: As owner I hereby authorize the submittal of this application and agree to abide by any decision made in response to it. [Signature] 2/8/21  
Owner Date

The following 16 points make up the **CHECKLIST** of required information needed on the drawing for final plan approval (unless specifically waived by the Planning Commission). Please go over this **CHECKLIST** with the City Manager and Zoning Administrator before presenting to the Planning Commission.

1. Date, north arrow and scale (not more than 1" = 100', supplementary site plans at a 1" = 50' or larger scale are encouraged)
2. A city locational sketch
3. Legal description and City address of the subject property
4. The size in acres or square feet of the subject property
5. All lot and/or property lines with dimensions, including building setback lines
6. The location of all existing structures within one hundred (100) feet of the subject property's boundary
7. The location and dimensions of all existing and proposed structures on the subject property
8. The location and dimensions of all existing and proposed:
  - Drives
  - curb openings (NOTE: all new openings onto M-21 (Main Street) must receive State Transportation Department approval)
  - sidewalks
  - exterior lighting
  - curbing
  - parking areas (include and delineate the total number of parking spaces showing dimensions of a typical space)
  - unloading areas
  - recreation areas
  - common use areas
  - areas to be conveyed for public use and purpose
9. The location, pavement width and right-of-way width of abutting roads, alleys or easements
10. The existing zoning of all properties abutting the subject project
11. The location of all existing and proposed:
  - landscaping and vegetation
  - location, height and type of existing and proposed fences and walls
12. Proposed cost estimates of all site improvements
13. Size and location of existing and proposed hydrants and utilities including proposed connections to public sewer or water supply systems
14. The location and size of septic and drain fields
15. Contour intervals shown at five (5) foot intervals
16. **FOR RESIDENTIAL DEVELOPMENT**, the following information is required (affixed to the drawing):
  - Net developable area, in acres or in square feet, defined as all areas that could be developed subtracted by lands used or dedicated for existing easements and rights of way
  - the number of dwelling units proposed (by type), including typical floor plans for each type of dwelling
  - the number and location of efficiency and one or more bedroom units
  - typical elevation views of the front, side and rear of each type of building
  - Dwelling unit density of the site (total number of dwellings / net developable area)

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Section 17.03 of the City of Lowell Zoning Ordinance specifies that to approve a special land use, the Planning Commission must find that the request meets the following standards. Please describe how the proposed project would meet each standard.

A. Each application shall be reviewed for the purpose of determining that the proposed special land use meets the following standards and, in addition, that each use of the proposed site will:

1. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;

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See attached 24x36 plans. The existing exterior of the structure will remain the same.

---

2. Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities;

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All existing utilities to remain the same, it is completely barrier free.

---

3. Not create excessive additional requirements at public cost for public facilities and services; and

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All utilities in the building will remain the same, we are only altering the facade, and there should be no extra cost to the public.

---

4. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

---

See attached; Air Quality Plan

---

Section 17.04 of the City of Lowell Zoning Ordinance lists specific standards pertaining to special land uses that must be met. Please respond to those standards below as it pertains to the proposed project, describing how the standards would be met by this proposal:

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Facility will adhere to all city requirements pursuant to traffic flow, fumes and odors, and compliance with local ordinance.

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301 East Main Street  
Lowell, Michigan 49331  
Phone (616) 897-8457  
Fax (616) 897-4085

## CITY OF LOWELL

### PUBLIC NOTICE

Please take notice that the Lowell Planning-Citizens Advisory Commission will hold a public hearing at Lowell City Hall, located at 301 East Main Street, Lowell, MI 49331 on Monday, March 8, 2021, at 7:00 PM. The subject of the hearing will be:

As a result of COVID – 19 and the current social distancing practices being mandated statewide, the meeting may be held via the Zoom Computer Teleconferencing System. Please visit our website at [www.lowellmi.gov](http://www.lowellmi.gov) to verify how the meeting will be held.

#### **Proposed Adult Use Marihuana Establishment at 1250 W. Main Street**

An application has been submitted by Mr. Brian Toma for an adult use marihuana establishment ("Joyology") at 1250 W. Main Street (PPN 41-20-03-477-003). Adult use marihuana establishments are permitted in the C3 General Business district only with special land use approval from the Planning Commission.

Copies of the application and the City's Zoning Ordinance are available for public viewing during regular business hours at Lowell City Hall, 301 East Main Street, Lowell, Michigan. Written comments will be received until the night of the hearing.

The City will provide necessary reasonable auxiliary aids and services to those with disabilities planning to attend upon three (3) days' notice to the City Clerk. Individuals who require such services should contact the City at the address listed above or by telephone at 616-897-8457.

Respectfully,

Susan Ullery  
Lowell City Clerk

# williams&works

engineers | surveyors | planners

## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** March 4, 2021  
**From:** Andy Moore, AICP  
Whitney Newberry  
**RE:** Joyology 1250 W. Main Special Land Use

Brian Toma, on behalf of BRT Capital 3 LLC ("Joyology"), has submitted a site plan for review and special land use approval to construct an adult use marihuana establishment at 1250 W. Main Street (PPN 41-20-03-478-001). The purpose of this memorandum is to review the request pursuant to Chapter 17 Special Land Uses and Chapter 18 Site Plan Review of the City of Lowell Zoning Ordinance.

### Background

The subject property is approximately 5.1 acres in the C3 General Business district. The applicant is proposing to use the front 2,166 square feet of an existing building for an adult use marihuana establishment. The remaining portion of the building (approx. 11,000 sq. ft.) would remain vacant at this time. The applicant is proposing to retain the existing structure, only altering some of the exterior façade and interior layout.

The subject property is surrounded by other properties in the C3 General Business zoning district, except across Bowes Road where the property is in the PF Public Facilities district. This property in the PF Public Facilities district is owned by the City of Lowell and used for the Stoney Lakeside Park.

The applicant is proposing an adult use recreational marihuana retailer. By definition, a "marihuana retailer" is a type of adult use marihuana establishment. Adult use marihuana establishments are only permitted by special land use in the C3 General Business District.



### **Completeness of Submission**

Section 18.04 B provides a list of information required for a detailed site plan review, unless deemed unnecessary by the zoning enforcement officer. The applicant has submitted site plan documents for review; however, the following items were not included:

- Date of site plan
- Location sketch
- Legal description of property
- The size (in acres) of the subject property
- Property lines. The site plan shows a portion of the site for use by the applicant, but does not depict the entire parcel.
- The location and dimensions of all existing and proposed structures on the subject property. A review of aerial imagery indicates another building not depicted on the site plan.
- Curve radii, signs, and unloading areas
- Pavement width and right-of-way width of Main Street
- Size and location of existing utilities
- The location and size of all surface water drainage facilities
- Existing contours at a minimum of five (5) foot intervals

Although the applicant is proposing to use an existing building and some items identified above may remain unchanged, the Planning Commission may request their inclusion on the site plan to ensure compliance with applicable standards.

Sections 17.04 FF (3) and (4) require additional materials to be submitted for adult use marihuana establishments. The applicant included some of the additional application and site plan materials; however, the following items were not received:

- Signed verification statement
- Consent that includes approval of the owner and operator for the City to inspect the establishment at any time during normal business hours to ensure compliance with applicable laws and regulations
- A lighting plan showing the lighting outside of the marihuana establishment for security purposes and compliance with section 4.24 and any other applicable city requirements.
- Window calculations
- Items addressed in our Confidential Security Plan

## **SITE PLAN REVIEW**

**Setbacks and Dimensional Requirements.** The applicant is proposing to use an existing building and is not proposing any other buildings or structures on the site. The building meets all setback and height requirements. The site also meets the minimum lot area and width of Section 12.04. While percent lot coverage is not indicated on the site plan, the applicant is not proposing any expansion to the existing building or parking areas. The Planning Commission may find this standard met.

**Site Development Requirements.** Section 12.04 A through D provides site development requirements. Landscaping will be addressed below and the site plan meets all other site development requirements.

**Landscaping.** Front yard landscaping is required in accordance with Section 4.26 E(2). One canopy tree and three deciduous shrubs are required for each 30 feet of lot width. The subject property is approximately 300 feet wide, equating to 10 canopy trees and 30 deciduous shrubs. The applicant has proposed 11 canopy trees and 68 deciduous shrubs, exceeding this standard.

It is unknown the extent to which the existing parking lot would be modified and whether any modifications would constitute a major change requiring additional landscaping. The site plan notes that existing asphalt parking will be repaired as necessary. A comparison with aerial imagery indicates some additional green spaces proposed between the parking area and property boundary. Major changes to a parking lot include the following as described in Section 4.26 E(3):

- (1) Replacement or alteration of existing drainage elevations or structures affecting more than fifty (50) percent of the existing parking lot.
- (2) For any expansion or addition of a parking lot equal to or greater than twenty-five (25) percent of the area of the existing parking lot, the expanded area shall comply with the landscaping requirements of this Section.
- (3) Reconstruction of the parking lot, including the removal of existing pavement and drainage structures, which affects more than twenty-five (25) percent of the existing parking lot. Instances in which a parking lot is to be resurfaced and no other modifications to the parking lot or drainage patterns are proposed shall not constitute "reconstruction" for the purposes of this subsection.
- (4) Any other change which, in the opinion of the zoning enforcement officer, constitutes a major change. The phased expansion or replacement of parking lots and/or surfaces in order to circumvent the requirements of this section is prohibited.
- (5) The Zoning Enforcement Officer may waive the requirements of this Section if it is determined that the parking lot landscaping requirements of this Section would unreasonably reduce the number of spaces within the parking lot. The Zoning Enforcement Officer may refer any parking lot replacement or expansion to the Planning Commission for a decision.

Should the applicant intend to incorporate any major parking lot changes, the Planning Commission may discuss interior parking lot landscaping in accordance with Section 4.26 E(3)(c). While the applicant has proposed canopy trees around the parking perimeter, no islands are included within the parking lot.

The City may modify any requirements of this Section when it finds circumstances that warrant a change or if existing conditions on the site will be preserved and meet the intent of Section 4.26, as described in Section 4.26 B.

**Parking.** Section 19.07 provides parking space requirements. Retail uses require 1 parking space for each 200 square feet of gross floor area (GFA). The applicant is proposing to use 2,166 square feet of the existing building for the retail use, equating to 11 required parking spaces. The applicant has proposed 44 parking spaces, four of which are ADA van accessible. Considering the parking demand required at other marihuana establishments in the area, the Planning Commission may approve this increased number of spaces in accordance with Section 19.06 M. All parking spaces and drive aisle widths also meet the minimum requirements of Section 19.06.

Loading space requirements are listed in Section 19.08 of the Ordinance. Based on the building size, one loading/unloading space is required. While a loading zone is indicated on the site plan, it is located in an area marked as not being used by the proposed tenant. Therefore, there is no area dedicated to the loading/unloading of materials. The Planning Commission may discuss this with the applicant.

**Lighting.** The site plan indicates the placement of light poles on the subject property and details were provided on site plan sheet AS.1. While some lighting already exists on the site, the site plan states that new light poles would be installed. These are proposed at a maximum 15-foot height with the lens limited to 250 W and shielded from adjacent property. One decorative wall light fixture is also depicted on the west building elevation at a maximum intensity of 175 W. The applicant's security plan states that exterior lights would be constantly illuminated at all points of entry/exit and also install motion-detecting lights at areas not frequently used for entry/exit. Therefore, there may be additional lighting not depicted on the building elevations and it is unknown how many of the existing lights would be retained. The Planning Commission may request the applicant submit a photometric plan to determine compliance with Section 4.24 E(1) and may clarify whether any existing lighting would be retained.

**Signage.** A wall sign design was submitted with the application and the location depicted on the north building elevation. However, details such as sign area, height, and illumination were not included. While wall signs are permitted in the C3 zoning district, the applicant must submit signage details and obtain a sign permit in accordance with Chapter 20. This may be included as a condition of approval.

**State License.** The applicant has submitted an official letter stating that they have obtained prequalification status pursuant to the licensing provisions of the Michigan Regulation and Taxation of Marihuana Act (MRTMA). As a condition of approval, the City may require a copy of the state license to be submitted once it is obtained.

**Provisional License.** The applicant included a completed application for a local operating license with the submittal. Therefore, the Planning Commission shall require a license from the City of Lowell as a condition of special land use approval.

**Site Plan Review Standards.** In order to approve a site plan, the Planning Commission must find that each of the standards listed in Section 18.06 would be met. Following are those standards and our remarks on each:

- A. The uses proposed will not adversely affect the public health, safety or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.

**Remarks:** The subject property is surrounded by other properties in the C3 General Business district. The PF Public Facilities district is located across Bowes Road to the south and is used as requirements public park; however, the site plan indicates that the southern portion of the site would not be used by the applicant. Because the applicant is proposing to occupy an existing building, the relationship of the building structure to neighboring properties would remain essentially the same. Similarly, topography on the site would remain largely unchanged as the applicant is not proposing any new structures or site modifications that would result in topographic changes.

While the relationship of the exterior site to neighboring properties is expected to remain essentially the same, the Planning Commission may discuss any impacts of the proposed use on adjacent uses. A review of aerial imagery indicates another building and a baseball diamond on the site, which are not depicted in the site plan. Other surrounding uses include a realty group, park, fast food restaurant, and shopping center. Subject to the approval of other standards associated with the special land use, the proposed use is not expected to impede normal and orderly development of surrounding properties. However, the Planning Commission should discuss the presence of the additional building and baseball diamond on the site and clarify whether this use would remain on the site. Section 4.02 prohibits more than one main building or one principal use on a site, so a land division may be appropriate here.

- B. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets, and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.

**Remarks:** The applicant is proposing to use an existing curb cut on West Main Street. The site plan does not depict the entire parcel; however, a review of aerial imagery also indicates the presence of another curb cut on Bowes Road. While this curb cut is less defined, it provides a dirt drive to the parking lot. The Planning Commission may discuss with the applicant whether this dirt drive would be blocked or available as a secondary



access drive. Section 19.03 B requires that all access driveways be surfaced with a pavement of poured cement, rolled asphalt, or a similarly durable and dustless surface.

Although not defined in the site plan, the asphalt parking area provides access around the entire building. The proposed parking spaces for the marihuana use exceed the minimum requirements as noted above under "Parking." The arrangement of these spaces appears to provide efficient circulation on either side of the building. Currently, these spaces do not appear to have striping. The Planning Commission may discuss with the applicant whether striping is proposed to clearly designate these spaces.

An existing sidewalk is present along the front of the property. Sidewalks are also proposed along each side of the building to provide a pedestrian walkway from parking spaces to the building entrance. Because the only customer entrance is located on the northwest side of the building, this sidewalk is expected to adequately facilitate pedestrian traffic to this entrance.

- C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the City of Lowell.

**Remarks:** Because the site was previously developed, the applicant is proposing to use an existing curb cut along West Main Street. This is expected to maintain safe circulation for traffic within the City. The site plan notes that the existing asphalt would be repaired as necessary. The presence of a new use on the property will require a driveway permit from MDOT.

A second curb cut is located on Bowes Road. It is unknown if this driveway would be retained, as discussed above in Site Plan Review Standard B. If retained as a viable access to the property, its surface would need to be improved. The Planning Commission may discuss this with the applicant. The Planning Commission may also require cross access easements to properties on the east and west to facilitate movement between properties.

- D. Removal or alteration of significant natural features shall be restricted to those areas, which are reasonably necessary to develop the site in accordance with the requirements of this ordinance. The planning commission requires that approved landscaping, buffers and/or greenbelts be continuously maintained to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

**Remarks:** Because the site has been previously developed, there are few natural features present and none are proposed for removal. The applicant is proposing landscaping that will increase the overall presence of natural features on the site. Maintenance of landscaping, buffers, and/or greenbelts may be addressed as a condition of approval.

- E. Satisfactory assurance shall be provided that the requirements of all other applicable ordinances, codes, and requirements of the City of Lowell will be met.

**Remarks:** A condition of approval can stipulate compliance with applicable codes and ordinances.

- F. The general purposes and spirit of this ordinance and the Comprehensive Plan of the City of Lowell shall be maintained.

**Remarks:** The purpose of the C3 General Business district is to permit a mixture of residential, office, and commercial land uses that are not necessarily constructed in downtown-style buildings. This district is intended to provide automobile-related uses that would typically be incompatible with the character of residential districts. The purpose of the City of Lowell Zoning Ordinance is to "...insure that uses of land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision of transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare."

Provided all other standards are met, the proposed marihuana retailer use is expected to be compatible with the purpose of the C3 district and the City of Lowell Zoning Ordinance.

The City of Lowell's Master Plan was adopted in 2007 and outlines a desired vision for land uses in the City. The subject property is located in the Mixed Use future land use category. This category is "intended to permit a mixture of residential, office, and commercial land uses but not necessarily in downtown style buildings." This section also emphasizes a pedestrian-oriented environment. The Zoning Ordinance notes that the C3 district is compatible with the Master Plan's Mixed Use future land use category. While the proposed use would likely contribute a commercial use within a mixed use area, the Planning Commission may discuss whether the proposed use would contribute to a pedestrian-oriented environment that could be compatible with residential and office uses.

**Special Land Use Review Standards.** In order to approve a special land use, the Planning Commission must find that the proposed special land use meets each of the following standards in accordance with Section 17.03. Following are these standards and our remarks on each:

- A. The proposed special land use shall be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;

**Remarks:** The proposed marihuana establishment would not involve major changes to the building exterior, as the applicant is proposing to use the front 2,166 square feet of an existing building. Site access and circulation would also remain similar to the previous use through the use of the existing curb cut and parking area. Overall, the site would have increased landscaping and much of the existing features would remain the same. Therefore, the design and relationship of the building and site design to

neighboring properties is expected to remain harmonious and appropriate in appearance with adjacent properties.

However, as noted in Site Plan Review Standard A, the Planning Commission may discuss with the applicant the presence of another building and baseball field on the site. Section 4.02 does not allow more than one main building or one principal use on a property unless designed and planned as an integrated development. The presence of another building, the baseball field, and the vacant rear portion of the building identified for a "future tenant" on the floor plan suggests there may be the opportunity for more than one use on the property. This should be clarified with the applicant.

Additionally, as noted in Site Plan Review Standard B, the presence of a secondary driveway for the site on Bowes Road may require further evaluation, as it connects to the proposed parking area. If this driveway connection is retained, it should be surfaced in accordance with Section 19.03 B. The Planning Commission may discuss this with the applicant.

- B. The proposed special land use shall be generally consistent with the City of Lowell Master Plan;

**Remarks:** See comments under Site Plan Review, F above. The Planning Commission may find this standard met.

- C. The proposed special land use shall be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water, and sewage facilities;

**Remarks:** Because the applicant is proposing to use an existing building, utility connections are already present on the site. The applicant is not proposing a grow operation, so use of utilities is expected to be comparable to a typical retail operation. Further, facilities are expected to be adequately service by local streets. However, the Planning Commission may request that utility information be included on the site plan, as required in Section 18.04 B(n), to ensure they are adequate for the proposed use.

The applicant has submitted a Fire Plan as part of the overall Business Plan. This includes cooperation with the local Fire Department, measures for fire prevention, and safety equipment. The Planning Commission may defer to the City Fire Department for comments regarding emergency access on the site and may include compliance with any stipulations of the Fire and Police Departments as a condition of approval.

Further, the Planning Commission may request additional information regarding stormwater drainage on the site. Currently, no measures for stormwater management are addressed on the site plan. The Planning Commission may also defer to the City Engineer for additional comments regarding stormwater management.

- D. The proposed special land use shall not create excessive additional requirements at public cost for public facilities and services; and

**Remarks:** The proposed use is not expected to create additional requirements at public cost for facilities and services. Because grow rooms are not proposed, utilities are expected to remain adequate on the site. The applicant has submitted a security plan to mitigate additional requirements for police services. Subject to any concerns from the City Engineer, Police Department, or Fire Department, the Planning Commission may find this standard met.

- E. The proposed special land use shall not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

**Remarks:** The applicant is proposing a marihuana retailer, which would not include any growing, manufacturing, or processing on the site. The applicant has indicated that only labeling would occur on the site and the premises would be maintained as a smoke-free area. Specific odors associated with marihuana will be addressed further under the Specific Site Plan Review Standard (c) below.

Based on the trends of other marihuana establishments in the area, traffic on the site may be higher than other retail uses and the site may experience a higher level of traffic than the previous use. The applicant has proposed more parking spaces than is typically required for a retail use, which is likely necessary based on other area trends. The proposed parking arrangement and number of spaces are expected to accommodate increases in traffic that may result on the site. However, the Planning Commission may request a traffic study in accordance with Section 18.04 B(2) if deemed necessary.

- F. 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.

**Remarks:** This standard will be addressed as a condition of approval.

**Adult Use Marihuana Establishment Special Land Use Standards.** In addition to the general standards for special land uses of Section 17.03, the Planning Commission must also find that the proposed special land use would comply with specific standards established for adult use marihuana establishments as listed in Section 17.04 FF. Our remarks on security (Section 17.04 FF(5)(a)) are in a separate confidential memorandum. Following are the standards of 17.04 FF(5)(b-m), and our remarks on each:

- b. Separation distances. The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of the land used for the purposes stated in this subsection to the nearest property line of the parcel used as a marihuana establishment. The following minimum-distancing regulations shall apply to all marihuana establishments. A marihuana establishment shall not be located within:
- i. 1,000 feet of a preschool or child care center, whether or not it is within the city of Lowell;

- ii. 1,000 feet of a public or private K-12 school, whether or not it is within the city of Lowell;
- iii. 500 feet of a property within the C-2, Central Business District as illustrated on the City of Lowell Zoning Map.
- iv. Exception. The requirements above do not apply if the marihuana establishment was lawfully established prior to the location of an establishment or zoning district specified in items i - iii above.

**Remarks:** The applicant has submitted a location map depicting the distance between the proposed marihuana establishment and the closest school, which exceeds the 1000-foot isolation radius. It is also not within 1,000 feet of the C-2 district. The Planning Commission may find this standard met.

- c. Odors. The marihuana establishment shall be designed to provide sufficient odor-absorbing ventilation and exhaust systems so that any odor generated inside the establishment is not detected outside the building in which it operates, on adjacent public rights-of-way, private road easements, or within other units located within the same building as the establishment if it occupies only a portion of the building. Odors must be controlled and eliminated by the following methods:
  - i. The building must be equipped with an activated air scrubbing and carbon filtration system that eliminates all odors prior to leaving the building. Fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
  - ii. Air scrubbing and filtration systems must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendations to ensure optimal performance.
  - iii. Negative air pressure must be maintained inside the building.
    - 1. At a ratio of 1:4 between the air intake (CFM) and exhaust fan (CFM), or a similar ratio as approved by the planning commission.
    - 2. A minimum negative pressure of 0.01" water column relative to the building exterior and to adjacent spaces without product.
    - 3. A minimum exhaust rate of 0.2 CFM per square foot of floor area or greater.
  - iv. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
  - v. The planning commission may approve an alternative odor control system if a mechanical engineer licensed in the State of Michigan submits a report that sufficiently demonstrates the alternative system will be equal or superior to the air scrubbing and carbon filtration system otherwise required above.

**Remarks:** The applicant has provided an Air Quality Plan, which details measures for odor mitigation. This includes a negative air pressure indoors through an inline exhaust fan and an activated carbon filtration system. The applicant is proposing a negative building static no less than 0.05" or more than 0.15". Additional odor measures include testing in a field Olfactometer, scheduled daily monitoring, and an ozone generator. Replacement of filters will be designated by a calibrated sensor on the test equipment. These measures are expected to help mitigate odors in accordance with the above standards. The Planning Commission may include the closure of windows and doors, along with maintenance of odor mitigation systems, as conditions of approval.

- d. The marihuana establishment shall be operated and maintained at all times so that any by-products or waste of any kind shall be properly and lawfully kept and disposed of so as to preclude any risk of harm to the public health, safety, or welfare.

**Remarks:** The applicant submitted a Waste Disposal Plan that provides details for marihuana waste disposal in accordance with state and local laws. This includes rendering all marihuana waste unrecognizable through grinding and incorporating it with at least 60% non-marihuana waste, which exceeds the amount required in the Adult-Use Marihuana Establishments Emergency Rules promulgated by LARA. The applicant has also proposed a system for keeping a record of waste through LeafLogix™, METRC, and a Waste Disposal Log. The Planning Commission may find this system sufficient to operate and maintain marihuana waste on the site.

The site plan also indicates a dumpster along the eastern property boundary, although it is located in an area that has been designated as not being used by the applicant. The Planning Commission may clarify whether the location of this dumpster with the applicant.

A details sheet indicates a dumpster enclosure plan and gate, which include a concrete wall and cedar board gate. It is unknown if this enclosure would be locked. Additionally, the height of the enclosure is not indicated, but the gate is proposed just over six feet tall. Based on the gate height, the enclosure is also expected to provide sufficient height; however, the enclosure height and security may be confirmed by the Planning Commission.

- e. The marihuana establishment shall not be operated out of a residence or any building used wholly or partially for residential purposes.

**Remarks:** There would not be a residence associated with the marihuana establishment. The Planning Commission may find this standard met.

- f. Any portion of the structure where energy usage and heat exceed typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Fire Department to ensure compliance with applicable fire codes. 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.

**Remarks:** The applicant is not proposing any processing or growing of marihuana. A Materials Safety Data Sheet was submitted with the application, indicating only the use of Clorox® Germicidal Bleach as the only hazardous substance. This is a general disinfectant that would likely not require inspection and approval to determine compliance with applicable fire codes. Subject to any concerns from the Fire Department, the Planning Commission may find this standard met.

- g. A marihuana establishment shall not be operated from a business that also sells alcoholic beverages or tobacco products.

**Remarks:** The applicant has not proposed the sale of alcoholic beverages or tobacco products. This may be addressed as a condition of approval.

- h. No drive-through facilities shall be permitted.

**Remarks:** No drive-through facilities are proposed. The Planning Commission may find this standard met.

- i. The marihuana establishment shall comply at all times and in all circumstances with the MRTMA and the Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.

**Remarks:** This may be addressed as a condition of approval.

- j. The Planning Commission may require additional landscape buffers or screening beyond what is required in Section 4.26 of the Zoning Ordinance.

**Remarks:** Adjacent uses are generally commercial or office, including a realty group, park, fast food restaurant, and strip mall. The applicant has proposed increased landscaping on the site along the road frontage and adjacent properties. While not indicated on the site plan, there also appear to be several trees present along the southern property boundary. While additional landscaping may not be required to provide a buffer or screen from adjacent uses, the Planning Commission may clarify the intended use of the other building and baseball diamond with the applicant. Depending on the use of this area, the Planning Commission may evaluate whether additional landscaping would be necessary.

- k. 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.

**Remarks:** The applicant has proposed to keep inventory and records through LeafLogix™ and METRC. The Inventory Control and Recordkeeping Plan states that marihuana products would only be acquired from licensed marihuana facilities. Before accepting a delivery, the applicant has proposed to ensure that all products are accurately labeled and tracked by METRC and any issues be reconciled before the marihuana is accepted.



The Planning Commission may include the right to examine, monitor, and audit such records and documentation as a condition of approval.

- I. 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.

**Remarks:** The applicant will not be growing or harvesting marihuana on the site, so this standard is not applicable.

- m. 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.

**Remarks:** This standard may be addressed as a condition of approval.

**Recommendation.** At the March 8 public hearing, the Planning Commission should discuss the site plan, application, and carefully consider any comments from the public and the applicant. Subject to those comments, we recommend the Planning Commission postpone making a decision on the application until the following issues are resolved:

- **Site Plan.** Several site plan and specific special land use items remain missing from the submittal. The site plan submittal does not depict the entire property. While many items may not be necessary to include in the site plan due to the presence of an existing building, the entire parcel should be depicted in the plan. This should include the second curb cut on Bowes Road and second building on the site.
- **Other Uses on the Property.** The site contains a second building and baseball field not indicated on the site plan. Additionally, the floor plan states that the rear portion of the building is reserved for a future tenant. These factors suggest there may be more than one use of the property. Section 4.02 prohibits more than one main building or one principal use on the site unless planned as a single integrated development. The Planning Commission should discuss the extent to which other uses would be allowed on the property.
- **Driveway Access.** There is a second curb cut on Bowes Road that provides access to the rear parking lot. While not proposed as part of the development, this curb cut is part of the site and could function as a secondary entrance. The Planning Commission should discuss the use of this curb cut with the applicant and whether it would be closed or improved to Ordinance standards.

However, if the above issues are sufficiently resolved at the meeting, Planning Commission could approve the site plan and special land use subject to resolution of the above issues. If tentative approval is recommended, we suggest the following conditions be included, along with any others deemed necessary:

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.
4. The applicant shall continually comply with applicable ordinances, codes, and requirements of the City of Lowell.
5. The applicant shall include all missing items as required in Section 18.04 B, 17.04 FF(3) and 17.04 FF(4) and noted above in "Completeness of Submission" on the site plan, unless deemed unnecessary by the Zoning Enforcement Officer.
6. 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.
7. The applicant shall submit a copy of the state license to operate the marihuana facility to the City.
8. Exterior lighting shall comply with Section 4.24 of the Zoning Ordinance.
9. 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.
10. The security plan shall address the items outlined in our confidential memo dated March 4, 2021.
11. All driveways shall comply with the design standards of Section 19.03 B of the Zoning Ordinance.
12. 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.
13. Doors and windows shall remain closed except for the time needed to allow people to ingress or egress the building.
14. Air scrubbing and filtration systems must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendations to ensure optimal performance.
15. The trash enclosure shall be secure and locked at all times and designed to an appropriate height to deter trespassing.
16. The marihuana establishment shall not also sell alcoholic beverages or tobacco products.
17. 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.

18. The city shall have the right to examine, monitor, and audit records and documentation, which shall be made available to the city upon request.
19. 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.

As always, please let us know if you have any questions.

Request Number: \_\_\_\_\_

Filing Fee: \_\_\_\_\_



301 East Main Street  
Lowell, Michigan 49331  
Phone (616) 897-8457  
Fax (616) 897-4085

## APPLICATION FOR SITE PLAN REVIEW

- All drawings must be sealed by an architect, engineer or surveyor unless waived by the Zoning Administrator.
- 15 copies of the site plan must be submitted to the City Manager's office no later than three weeks before the Planning Commission meeting to allow adequate staff review.
- The Planning Commission meets the second Monday of the month at 7:00 p.m. where plans are approved, rejected or modified.
- Preliminary plans may be presented for Planning Commission comment, but no final approval is given until all required conditions are met.
- After approval, public works and building permits must be secured before construction may commence.

1. Street Address and/or Location of Request: 413 E. Main St., SE.

2. Parcel Identification Number (Tax I.D. No.): #41-20-02-427-011

3. Applicant's Name: Midwest V. LLC (Agent)  
attn: Peter Oleszczuk (Manager) Phone Number 616-842-2030

Address: 1435 Fulton St., 2nd Floor Grand Haven MI 49417  
Street City State Zip

Fax Number 616-842-1950 Email Address Pete@westwind.build

4. Are You: ☐ Property Owner ☐ Owner's Agent ☒ Contract Purchaser ☐ Option Holder

5. Applicant is being represented by: \_\_\_\_\_ Phone Number \_\_\_\_\_

Address: \_\_\_\_\_

6. Present Zoning of Parcel MU - Mixed Use & Floodplain Overlay Present Use of Parcel Dollar General Store

7. Description of proposed development (attach additional materials if needed):

Proposed building modification to the North and East sides of the existing building. Realignment of delivery area and the parking spaces, mill and overlay existing asphalt parking lot.

The facts presented above are true and correct to the best of my knowledge.

Signature:  Date: 2-11-21

Type or Print Your Name Here: Peter Oleszczuk, Manager

Property Owner Approval: As owner I hereby authorize the submittal of this application and agree to abide by any decision made in response to it.

Owner \_\_\_\_\_

Date \_\_\_\_\_

The following 16 points make up the **CHECKLIST** of required information needed on the drawing for final plan approval (unless specifically waived by the Planning Commission). Please go over this **CHECKLIST** with the City Manager and Zoning Administrator before presenting to the Planning Commission.

- |   |                |
|---|----------------|
| 1. Date, north arrow and scale (not more than 1" = 100', supplementary site plans at a 1" = 50' or larger scale are encouraged)   | <b>INITIAL</b> |
| 2. A city locational sketch   |                |
| 3. Legal description and City address of the subject property   |                |
| 4. The size in acres or square feet of the subject property   |                |
| 5. All lot and/or property lines with dimensions, including building setback lines  |                |
| 6. The location of all existing structures within one hundred (100) feet of the subject property's boundary   |                |
| 7. The location and dimensions of all existing and proposed structures on the subject property  |                |
| 8. The location and dimensions of all existing and proposed:  |                |
| ▪ Drives  |                |
| ▪ curb openings (NOTE: all new openings onto M-21 (Main Street) must receive State Transportation Department approval)  |                |
| ▪ sidewalks   |                |
| ▪ exterior lighting   |                |
| ▪ curbing   |                |
| ▪ parking areas (include and delineate the total number of parking spaces showing dimensions of a typical space)  |                |
| ▪ unloading areas   |                |
| ▪ recreation areas  |                |
| ▪ common use areas  |                |
| ▪ areas to be conveyed for public use and purpose   |                |
| 9. The location, pavement width and right-of-way width of abutting roads, alleys or easements   |                |
| 10. The existing zoning of all properties abutting the subject project  |                |
| 11. The location of all existing and proposed:  |                |
| ▪ landscaping and vegetation  |                |
| ▪ location, height and type of existing and proposed fences and walls   |                |
| 12. Proposed cost estimates of all site improvements  |                |
| 13. Size and location of existing and proposed hydrants and utilities including proposed connections to public sewer or water supply systems                                    |                |
| 14. The location and size of septic and drain fields  |                |
| 15. Contour intervals shown at five (5) foot intervals  |                |
| 16. <b>FOR RESIDENTIAL DEVELOPMENT</b> , the following information is required (affixed to the drawing):  |                |
| ▪ Net developable area, in acres or in square feet, defined as all areas that could be developed subtracted by lands used or dedicated for existing easements and rights of way |                |
| ▪ The number of dwelling units proposed (by type), including typical floor plans for each type of dwelling  |                |
| ▪ The number and location of efficiency and one or more bedroom units   |                |
| ▪ Typical elevation views of the front, side and rear of each type of building  |                |
| ▪ Dwelling unit density of the site (total number of dwellings / net developable area)  |                |

# DOLLAR GENERAL

## SITE DEVELOPMENT PLANS

413 EAST MAIN STREET (M-21)

SECTION 2, T.6N., R.9W.

CITY OF LOWELL,

KENT COUNTY, MICHIGAN

- 1 OF 5 - TOPOGRAPHIC & BOUNDARY SURVEY
- 2 OF 5 - DEMOLITION PLAN
- 3 OF 5 - SITE PLAN
- 4 OF 5 - GRADING AND DRAINAGE PLAN
- 5 OF 5 - S.E.S.C. AND LANDSCAPING PLAN
- (SHEET A-200) - BUILDING ELEVATIONS
- (SHEET E-400) - LIGHTING ILLUMINATION PLAN



ANDREW S. ROSZELL, P.E.  
MILANOWSKI & ENGLERT  
ENGINEERING & SURVEYING  
403 OAK STREET  
SPRING LAKE, MICHIGAN 49456

2-15-2021  
DATE:



**MILANOWSKI & ENGLERT**  
ENGINEERING & SURVEYING  
403 Oak Street - Spring Lake, Michigan 49456  
Phone: 616-847-4070 Fax: 616-847-6826  
DATE: FEBRUARY 15, 2021 SHEET NO. 16333

PROPERTY INFORMATION:  
PERMANENT PARCEL NO:  
#41-20-02-427-071  
ADDRESS: 413 E. MAIN STREET, SE.  
LOWELL, MICHIGAN 49331  
OWNER(S): T.A.K. MAIN STREET, LLC  
284 CONINGTON COURT SW  
GRANDVILLE, MICHIGAN 49418  
DEVELOPER / AUTHORIZED AGENT:  
MILANOWSKI & ENGLERT, LLC  
17000 E. HAWTHORNE AVE. SUITE 200  
GRAND HAVEN, MICHIGAN 49417  
PHONE: 616-842-1950  
FAX: 616-842-1950  
E-MAIL: PETERWESTMIND@BUILD



UTILITY CONTACT INFORMATION:  
ELECTRICITY AND POWER  
616-897-8402  
GAS  
616-897-8402  
COUNCILMAN ENERGY (M)  
(FOR GAS ONLY)  
PHONE: 800-865-0490  
EMERGENCY: 1-800-477-5050  
PHONE/CABLE/INTERNET  
COMCAST  
PHONE: 1-877-256-2278  
AT&T  
PHONE: 1-800-298-2020  
VERIZON BROADBAND  
PHONE: 816-817-3107

WALTER STUBBS AND SONS, INC.  
CITY OF LOWELL, OHIO  
PHONE: 616-897-8402  
EMAIL: wstubs@lowellmi.us  
FOR ALL STREETS  
CITY OF LOWELL, OHIO  
ATTN: DAN CARMON, DIRECTOR  
PHONE: 616-897-8402  
EMAIL: dcarmon@lowellmi.us  
FOR EAST MAIN STREET (M-21)  
4007 GRAND RAPIDS TWP  
ATTN: KENNETH KEEN, P.E.  
PHONE: 616-897-8402  
FAX: 616-464-1189

DESCRIPTION OF PROPERTY FROM COMMITMENT NO.  
322120LKS, DATED JULY 24, 2020, REVISION NO. 1  
BY TRANSMISSION TITLE AGENCY OF MICHIGAN  
Lot 1, Block 2, Township 6 North, Range 9 West, City of Lowell, Kent County, Michigan and described as: The South 4125 feet of Lot 1, Block 2, Township 6 North, Range 9 West, City of Lowell, Kent County, Michigan, as shown on recorded plat 16333 of 2021, Page 55.  
Dashed line connecting at the Southwest corner of Lot 15, Block 2, Township 6 North, Range 9 West, City of Lowell, Kent County, Michigan and described as: The South 4125 feet of Lot 1, Block 2, Township 6 North, Range 9 West, City of Lowell, Kent County, Michigan, as shown on recorded plat 16333 of 2021, Page 55.  
Dashed line connecting at the Southwest corner of Lot 15, Block 2, Township 6 North, Range 9 West, City of Lowell, Kent County, Michigan and described as: The South 4125 feet of Lot 1, Block 2, Township 6 North, Range 9 West, City of Lowell, Kent County, Michigan, as shown on recorded plat 16333 of 2021, Page 55.



LOCATION MAP - NO SCALE

DESCRIPTION OF PROPERTY FROM COMMITMENT NO. 322120LKS, DATED JULY 24, 2020, REVISION NO. 1 BY TRANSNATION TITLE AGENCY OF MICHIGAN

ITEMS CORRESPONDING TO SCHEDULE B  
EXCEPTIONS FROM COVERAGE

Only those items that are survey matters are noted here.

13. Comment for the use of 10 parking spaces on evidenced in the instrument recorded in Liber 50026, Page 45. (Comment to be added at E. Main Street). (Location not specified - Shown on Survey).

FLOODPLAIN NOTE

THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE "A" BASED ON THE NATIONAL FLOOD INSURANCE PROGRAM - FLOOD INSURANCE RATE MAP FOR THE CITY OF ISABEL (COMMUNITY MAP NUMBER 20106) FORT COCKER, MICHIGAN.

EXPIRATION DATE OF MAY 15, 1983.

THE BASE FLOOD ELEVATION IS 634.8 - NAVD 88 DATUM.

THE EXIST SITE LIES BELOW THE BASE FLOOD ELEVATION OF 634.8 NAVD 88.

SURVEYOR CERTIFICATION

for: **W&L Equity Holdings, LLC**, Marland Construction, Dollar General Corporation, Transwestern Title Agency, Old Republic National Title Insurance Company.

It is based on the map or plot of the survey on which the data were made in accordance with the 2016 Minimum Standard Order Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes no terms or conditions thereof. The final work was completed on December 29, 2020.

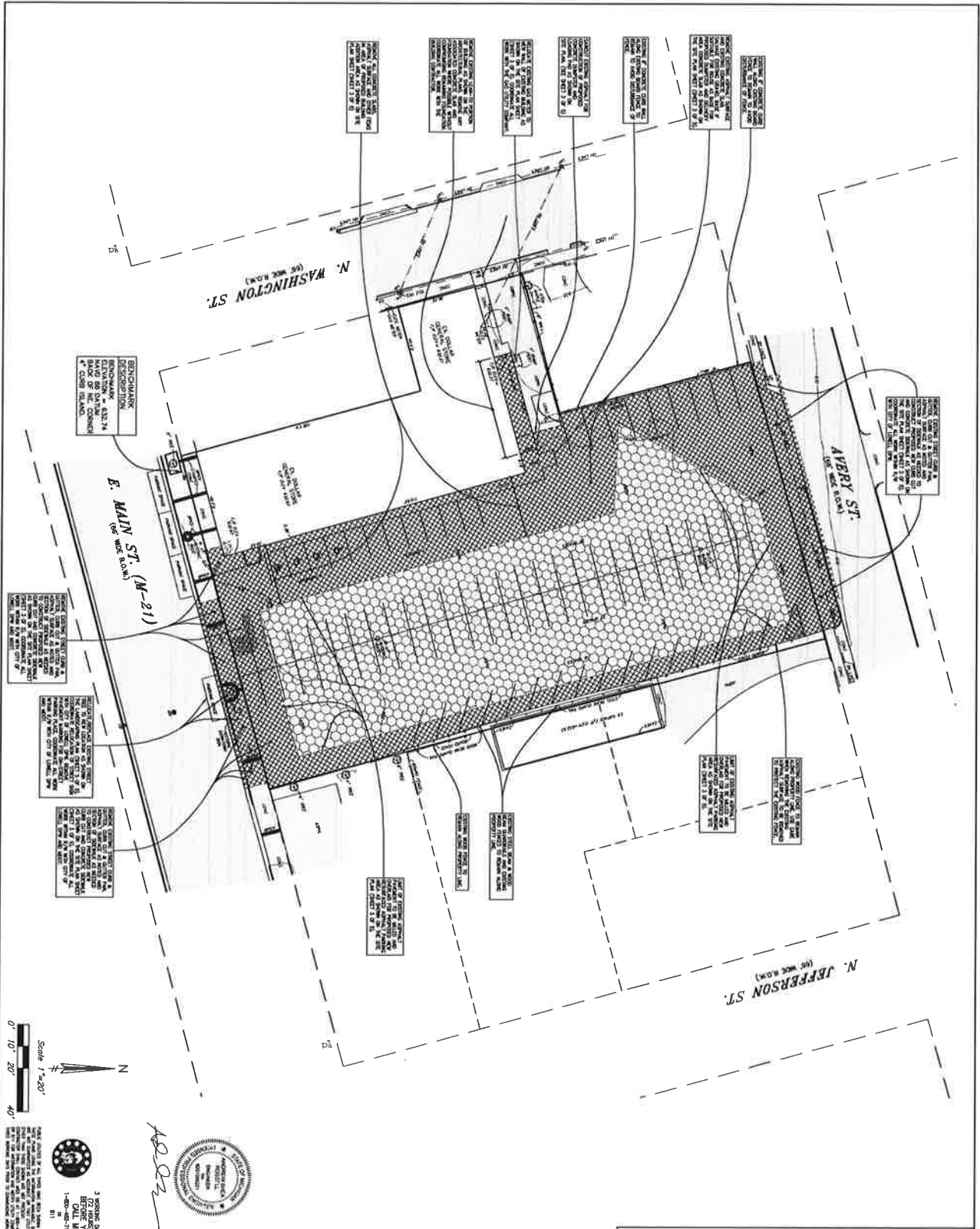
Brian D  
 Gordon A. Ford  
 Professional Surveyor  
 Registration Number 4001047199  
 Date: 1-13-2021  
 bford@mllm.com  
 bford@mllm.com

MILANOWSKI & ENGLERT  
ENGINEERING & SURVEYING

**TODD'S BATHING & BEACHWEAR COMPANY**  
400 Oak Street - Spring Lake, Michigan 49482  
Phone: 616-847-4070 Fax: 616-847-6622

**DOLLAR GENERAL STORE SITE**  
SECTION 2, TOWN & MORRIS, RANGE 8 WEST,  
COUNTY OF LINCOLN, MISSOURI

DATE	FEBRUARY 15, 2021	DRAWN BY	TV / L
SHEET	1 of 5	JOB NO.	16113



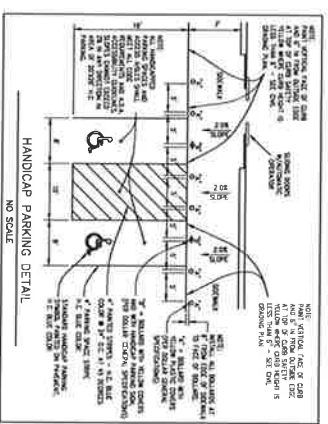
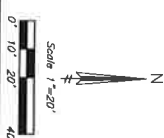
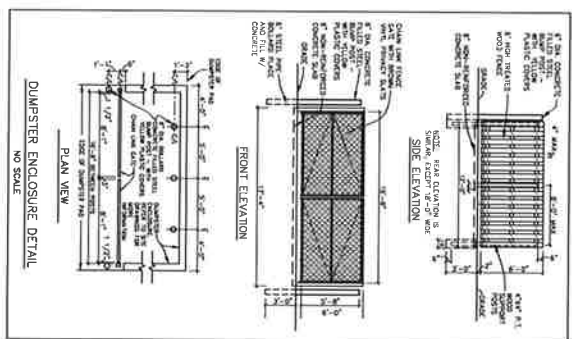
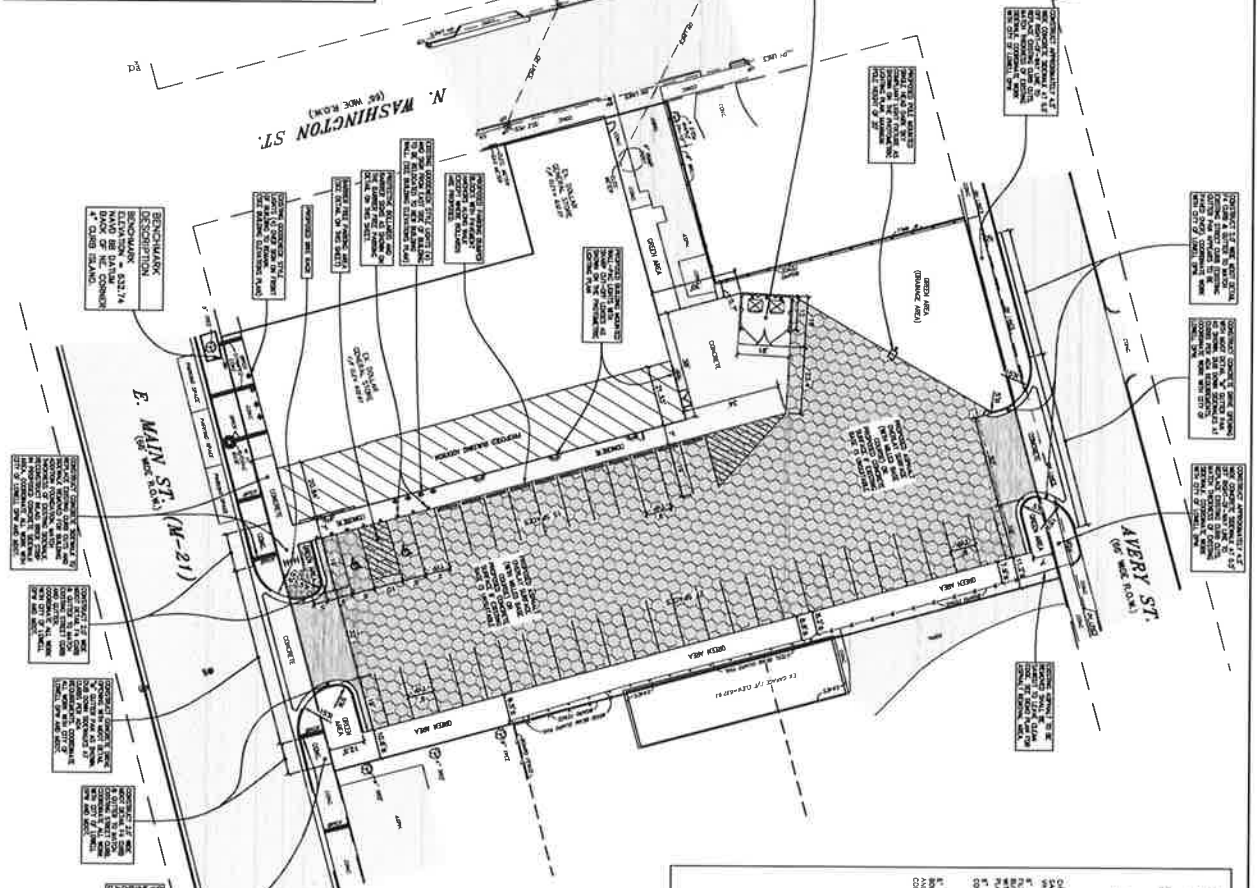
- # DEDUCTION NOTES:
- 1) PAYROLL AND GAS EXPENSES, TELEPHONE CALLS TO RESEARCH AND DEVELOPMENT, AND TRAVEL EXPENSES MUST BE SUBMITTED TO THE SUPERVISOR FOR REVIEW AND APPROVAL. ALL SUCH EXPENSES WILL BE RECORDED IN THE LABORATORY EXPENSE LOG.
  - 2) PRIOR TO REQUESTING ANY DEDUCTIONS FROM THE EMPLOYER'S SHARE, THE EMPLOYEE MUST FIRST OBTAIN APPROVAL FROM THE SUPERVISOR. ALL APPROVED LABORATORY EXPENSES MUST BE SUBMITTED TO THE SUPERVISOR FOR REVIEW AND APPROVAL. ALL APPROVED LABORATORY EXPENSES MUST BE SUBMITTED TO THE SUPERVISOR FOR REVIEW AND APPROVAL. ALL APPROVED LABORATORY EXPENSES MUST BE SUBMITTED TO THE SUPERVISOR FOR REVIEW AND APPROVAL.
  - 3) ALL DEDUCTIONS MUST BE SUBMITTED TO THE SUPERVISOR FOR REVIEW AND APPROVAL. ALL APPROVED LABORATORY EXPENSES MUST BE SUBMITTED TO THE SUPERVISOR FOR REVIEW AND APPROVAL. ALL APPROVED LABORATORY EXPENSES MUST BE SUBMITTED TO THE SUPERVISOR FOR REVIEW AND APPROVAL.
  - 4) THE EMPLOYER'S SHARE OF THE DEDUCTIONS WILL BE SUBMITTED TO THE SUPERVISOR FOR REVIEW AND APPROVAL. ALL APPROVED LABORATORY EXPENSES MUST BE SUBMITTED TO THE SUPERVISOR FOR REVIEW AND APPROVAL. ALL APPROVED LABORATORY EXPENSES MUST BE SUBMITTED TO THE SUPERVISOR FOR REVIEW AND APPROVAL.
  - 5) ALL DEDUCTIONS MUST BE SUBMITTED TO THE SUPERVISOR FOR REVIEW AND APPROVAL. ALL APPROVED LABORATORY EXPENSES MUST BE SUBMITTED TO THE SUPERVISOR FOR REVIEW AND APPROVAL. ALL APPROVED LABORATORY EXPENSES MUST BE SUBMITTED TO THE SUPERVISOR FOR REVIEW AND APPROVAL.
  - 6) THE EMPLOYER'S SHARE OF THE DEDUCTIONS WILL BE SUBMITTED TO THE SUPERVISOR FOR REVIEW AND APPROVAL. ALL APPROVED LABORATORY EXPENSES MUST BE SUBMITTED TO THE SUPERVISOR FOR REVIEW AND APPROVAL. ALL APPROVED LABORATORY EXPENSES MUST BE SUBMITTED TO THE SUPERVISOR FOR REVIEW AND APPROVAL.
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LEGEND	
	UTILITY POLE
	LIGHT POLE
	W
	WATER VALVE
	MANHOLE (AS TO TYPE)
	SHORT-SPAN SINKER
	MATERIAL
	STONE SINKER
	GAS LINE
	UTILITY LINES (NOTED AS TO TYPE)
	EXISTING CONTOUR
	EXISTING CONCRETE
	EXISTING ASPHALT
	EXISTING ASPHALT SURFACES TO BE MAINTAINED AS NOTED
	REMOVED REMOVAL OF PAVEMENT AS NOTED

NOTE: LINES SHOWN ON THIS PLAN ARE APPROXIMATE. A FIELD SURVEYOR SHOULD BE CONSULTED TO DETERMINE EXISTING UTILITY LOCATIONS AND FOR ANY SURFACE DEFECTS.

<p><b>DEMOLITION PLAN AND TREE REMOVAL FOR DOLLAR GENERAL STORE SITE</b></p> <p>SECTION 2, TOWNSHIP 6 NORTH, RANGE 6 WEST, CITY OF LAMAR, DEER COUNTY, MONTANA</p>	<p><b>MILANOWSKI &amp; ENGLERT ENGINEERING &amp; SURVEYING</b></p> <p>403 Oak Street - Spring Lake, Michigan 49456 Phone: 616-847-4070 Fax: 616-847-6822</p>
<p>DATE: FEBRUARY 15, 2021</p> <p>DRAWN BY: JOSH NO.</p>	<p>TV / 008</p>
<p>SHEET: 2 of 5</p>	<p>1/6/23</p>





**MILANDOWSKI & ENGLERT  
ENGINEERING & SURVEYING**  
403 Oak Street - Spring Lake, Michigan 49456  
Phone: 616-847-4070 Fax: 616-847-6026

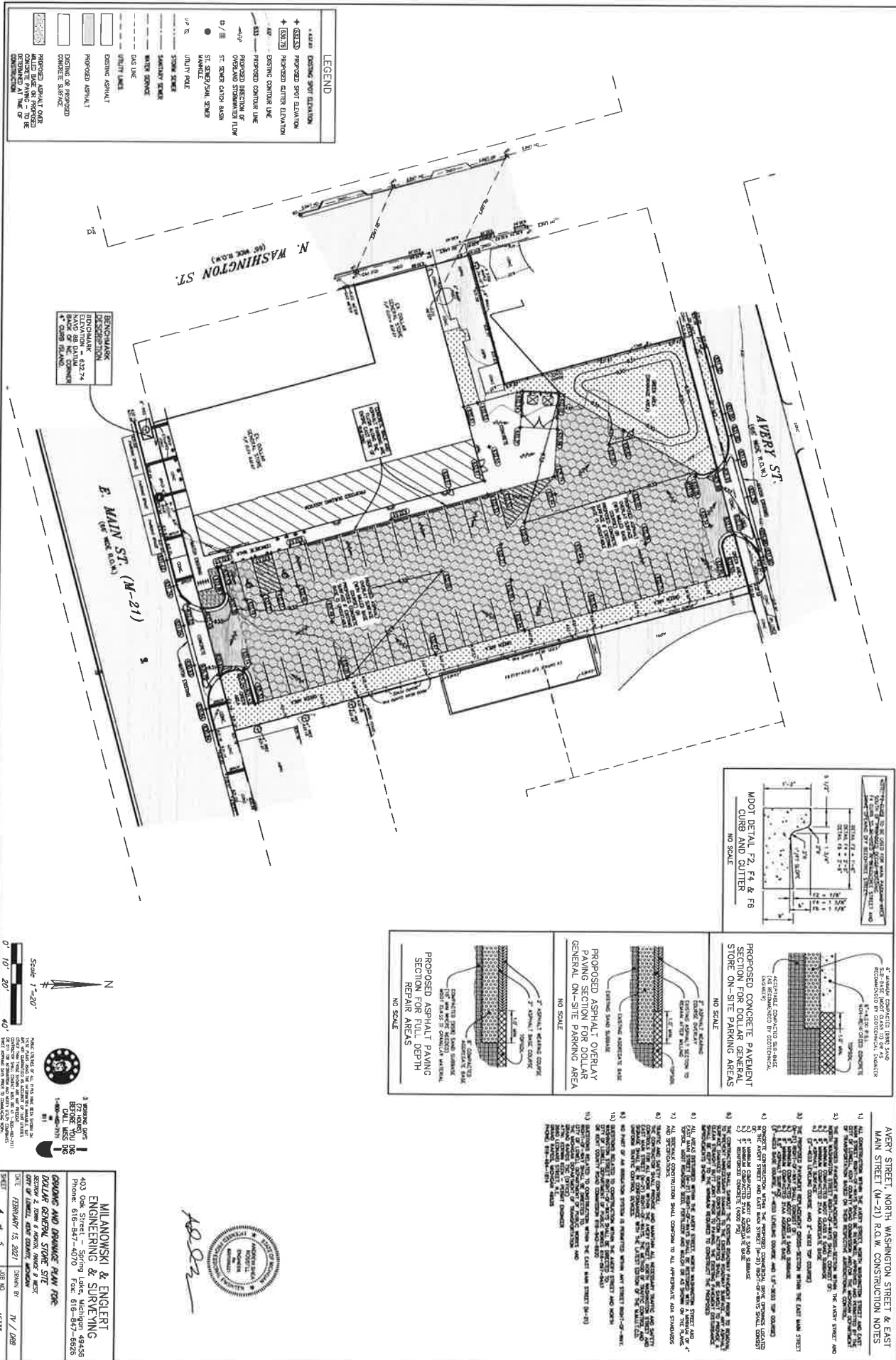
**SITE PLAN FOR:  
DOLLAR GENERAL STORE SITE**  
SECTION 2, TOWNSHIP 40 NORTH, RANGE 2 WEST,  
CITY OF LOMBARD, DEER COUNTY, MICHIGAN

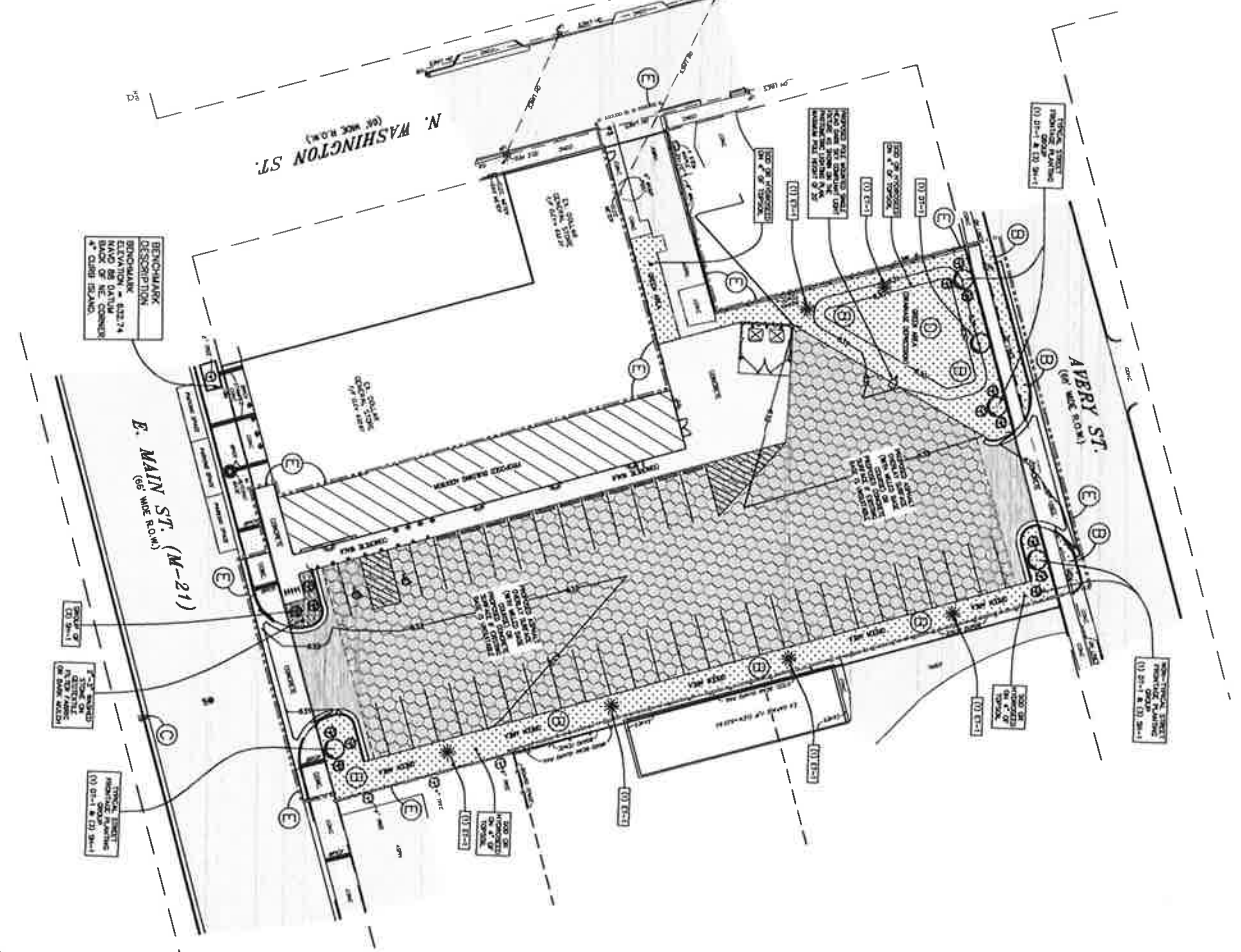
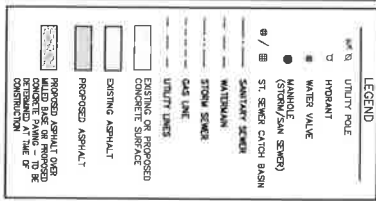
DATE: FEBRUARY 15, 2021

SCALE	3" = 1'	SHEET NO.	16/315
		DATE	IV / 08

SITE DEVELOPMENT NOTES

- [illegible]

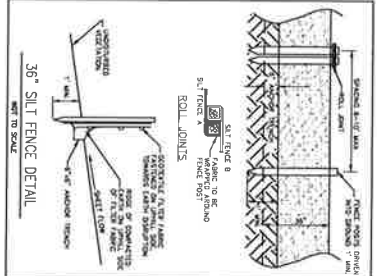




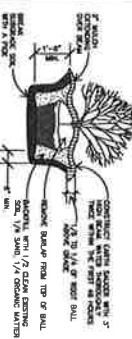
PLANT MATERIAL SCHEDULE					
MARK	QTY	COMMON NAME	SIZE	IRRIGATION	DETAIL
D1-1	5	STREET TREE - 8/2" DBH	2'-2 1/2" CALIPER	YES	1 A1
E1-1	1	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
F1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
G1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
H1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
I1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
J1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
K1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
L1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
M1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
N1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
O1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
P1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
Q1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
R1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
S1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
T1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
U1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
V1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
W1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
X1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
Y1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1
Z1-1	15	BLACK HOLE PINE	1 1/2" DBH	YES	1 A1

NOTE: THE PROPOSED STREET TREES SHALL MATCH THE SPECIES OF THE EXISTING STREET TREES ALONG THE ADJACENT STREET. THE SPECIES OF THE EXISTING STREET TREES SHALL BE DETERMINED BY THE CITY OF LAMBERT, MISSOURI, PLANNING DEPARTMENT.

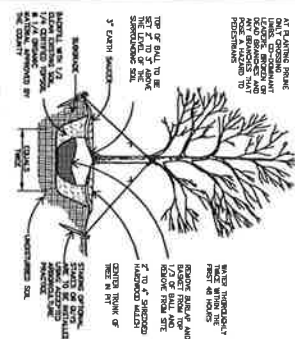
### KEY FOR SOIL EROSION & SEDIMENTATION CONTROLS

[illegible]

**TYPICAL SHRUB PLANTING DETAIL**



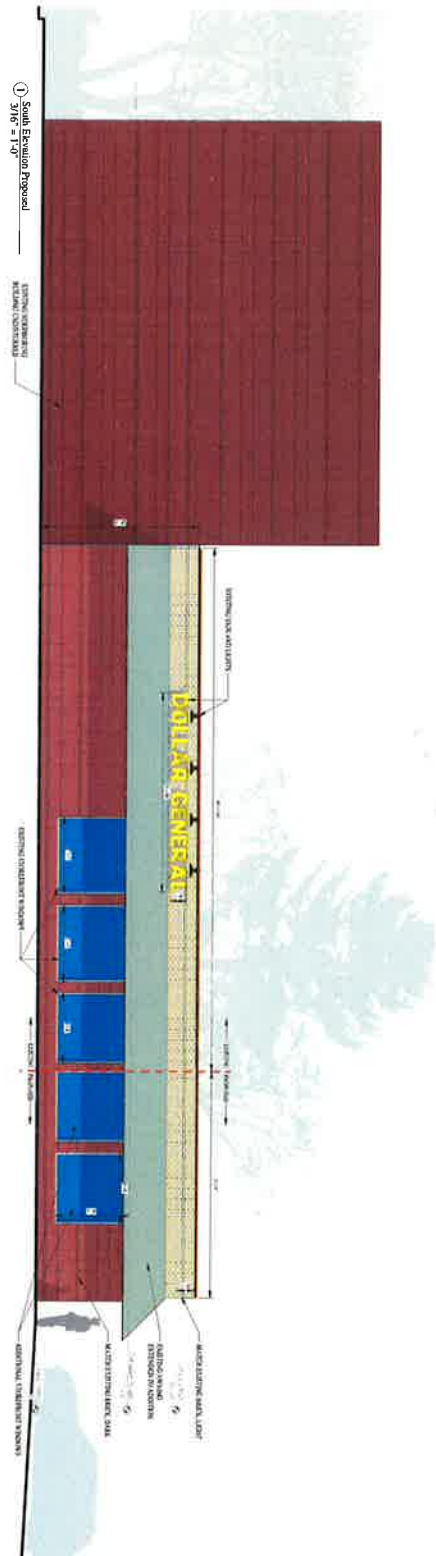
## TYPICAL TREE PLANTING DETAIL



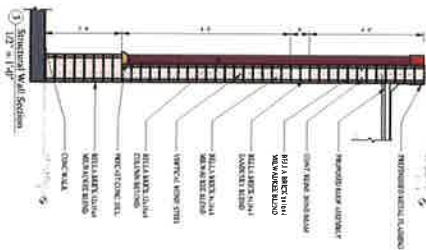
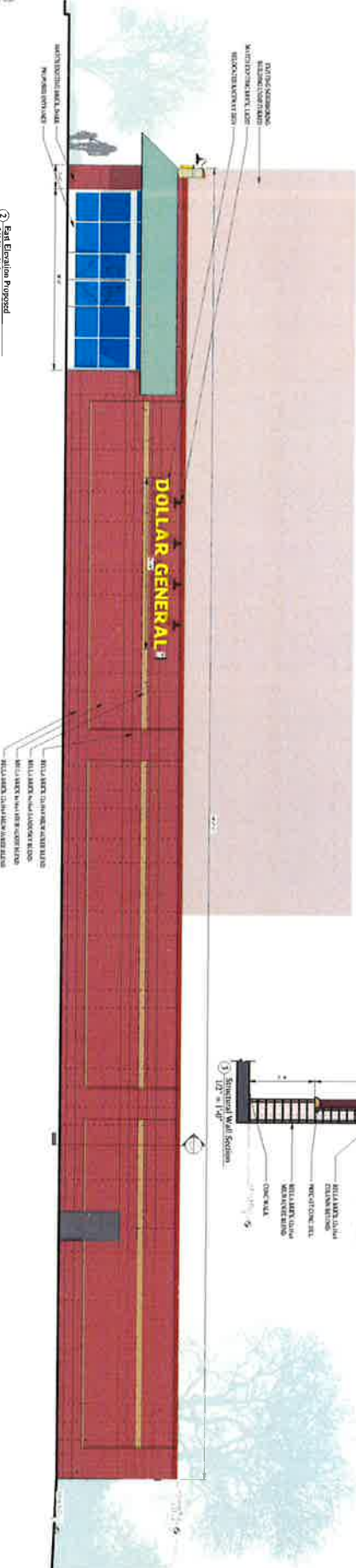
### LANDSCAPING NOTES:

- [illegible]

[illegible]



② East Elevation Proposed  
3/16" = 1/8"



## Proposed Dollar General Addition

Lowell, MI.



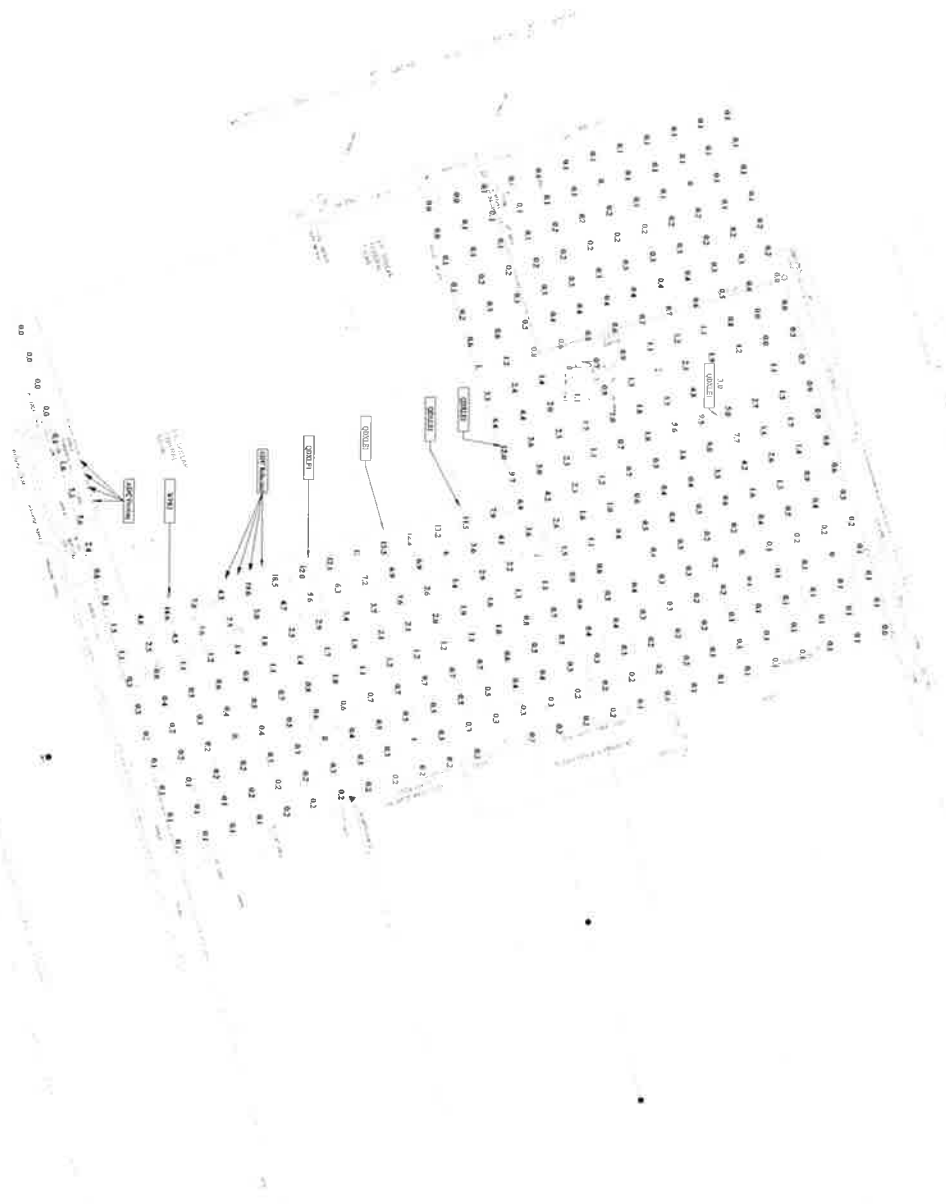
NOT FOR  
CONSTRUCTION

Dollar General	
Project Name	Dollar General
Date	07/11/18
Drawn by	NTH
Checked by	PD
Project Address	
Project City	
Project State	
Project Zip	

A 200

Lighting Fixture Schedule					
Manufacturer	Model	Color	Quantity	Footcandle	Wattage
Philips	5000K	White	1	1000	100W
Philips	5000K	White	1	1000	100W
Philips	5000K	White	1	1000	100W
Philips	5000K	White	1	1000	100W

Calculation Summary @ 10' x 10' Grid					
Grid Size	Area	Volume	Height	Area	Volume
10' x 10'	100	1000	10'	100	1000
10' x 10'	100	1000	10'	100	1000
10' x 10'	100	1000	10'	100	1000
10' x 10'	100	1000	10'	100	1000



**PROPOSED DOLLAR GENERAL**  
Lowell, MI.

**NOT FOR CONSTRUCTION**

Dollor General	
Project Name	Lowell, MI
Client	WESTWIND
Designer	WESTWIND
Checker	WESTWIND
Scale	1" = 20'
Notes	See Notes
No.	1
Version	1.0
Date	10/1/2017

**E 400**





# williams&works

engineers | surveyors | planners

## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** March 4, 2021  
**From:** Andy Moore, AICP  
Whitney Newberry  
**RE:** **413 E. Main Street – Site Plan Review**

Mr. Peter Oleszczuk, of Midwest V LLC, has submitted an application for site plan review to expand an existing Dollar General at 413 E. Main Street SE (PPN 41-20-02-427-011). The purpose of this memorandum is to review the request pursuant to Chapter 17 of the City of Lowell Zoning Ordinance.

### Background

The subject property is approximately 0.96 acres in the MU Mixed Use district and Floodplain Overlay district. The applicant is proposing the expansion of an existing Dollar General, a realignment of the delivery area and parking spaces, and improvements to the existing parking lot. The building expansion would add approximately 3,000 square feet to the existing building.



This site is surrounded by other properties in the MU Mixed Use district. Across Avery Street is the PF Public Facilities district. The proposed changes are considered major and the site must therefore be reviewed in the same manner as the original application, in accordance with Section 18.09. Retail stores are permitted by right in the MU Mixed Use district. Because the Dollar General retail use was already approved, this review will focus primarily on the proposed improvements.

### Completeness of Submission

Section 18.04 B provides a list of information required for final site plan review unless deemed unnecessary by the zoning enforcement officer. The applicant has submitted a site plan for review. We find the application to be generally complete for review; however, the following items were not included:

- The location of all existing structures, driveways, and parking areas within one hundred (100) feet of the subject property's boundary
- Location of existing and proposed unloading areas
- The existing zoning and use of all properties abutting the subject property
- Size and location of existing and proposed utilities
- Size of all surface water drainage facilities

Because the applicant is proposing the expansion of an existing building and use, many of these items may not be necessary. The zoning enforcement officer may waive any item deemed not necessary for review, in accordance with Section 18.04 B. At a minimum, we recommend the applicant indicate the location of unloading areas and the size of all surface water drainage facilities. Stormwater calculations should also be provided for review by the City's engineer.

## **SITE PLAN REVIEW**

**Setbacks and Dimensional Requirements.** Although setbacks were not indicated on the site plan, the building expansion would extend only into the eastern side yard and not impact other setbacks. The expansion would maintain the minimum 10-foot setback from residential uses along the eastern property boundary. Other dimensional requirements such as lot coverage, building height, lot area, and lot width of Section 16A.04 would be maintained. The expansion would also increase building frontage along E. Main Street, better aligning the existing use with the minimum building frontage requirement of 80% in primary front yards.

**Parking.** Parking spaces must be provided and maintained in the proper ratio to any increase in floor area (Section 19.04, D). The existing site contains 86 parking spaces and the new parking lot is proposed to contain 42 parking spaces. Section 19.07 requires one parking space for each 200 square feet of gross floor area (GFA) for retail uses. While the applicant has not indicated the final building size, an approximate measurement indicates the final size would be 11,560 square feet. Based on this estimation, the use would require 58 parking spaces. While the original lot was likely "over-parked," the proposed number of spaces after the expansion and parking lot reconstruction are less than the amount required by the Ordinance.

Section 19.04 L allows supplemental bike parking counting for up to five off-street parking spaces with bike parking or racks equal to at least the number of spaces being replaced. The site plan indicates a bike rack near the entrance on E. Main Street, which appears to provide at least five spaces for bike parking. With these spaces, the site would be short by 11 parking spaces. Additionally, the Zoning Ordinance permits uses within the C-2 and MU districts to count public parking (on or off-street) toward the required minimum of the public parking is within 400 feet of the property. In this case, there are numerous on-street spaces along Main Street that would easily make up for this 11-space shortfall.

**Lighting.** The applicant has submitted a photometric plan and photometric spatial map. Section 4.24 provides standards for outdoor lighting. Section 4.24 E(1) limits lighting beyond one-half foot candle from being cast on adjoining private property. Light intensity exceeds one-half foot candle along the adjacent northwestern property boundary. This boundary is adjacent to a residential use and reaches 0.7 foot candles at this boundary. The Planning Commission may



discuss light intensity with the applicant at this boundary. All other light intensities would meet the requirements of Section 4.24 E(1).

Lighting fixtures are proposed to be full cut-off features and would meet the standards of Section 4.24. For any parking lot lighting adjacent to a residential use, the light pole height should not exceed 20 feet above the parking lot surface (Section 19.03 C). The proposed parking lot lighting meets this standard.

**Signage.** The applicant has included signage in the site plan submittal. Two wall signs currently exist on the property, with one facing E. Main Street and the other facing the parking lot. The applicant is proposing to relocate the existing sign facing the parking lot on the new expanded building wall. The relocated sign would continue to meet the standards of Chapter 20 of the Zoning Ordinance and may be permitted as proposed.

**Landscaping.** Section 4.26 E(1) requires a landscape buffer or fence between non-residential uses and adjacent residential uses or districts. There are a few residential uses adjacent to the subject property on the east and west property boundaries. The site plan indicates the presence of an existing board fence which would continue functioning as a buffer between these properties and the Dollar General use.

For any parking lot reconstruction, Section 4.26 E(3) requires landscaping in association with parking areas. Where the parking lot abuts a public street, a canopy tree is required for each 30 feet of frontage in Section 4.26 E(3)(b). Not including the curb cuts, parking spaces are near E. Main Street for a length of 38 feet and Avery Street for a length of 19 feet. The applicant has proposed one street tree along E. Main Street and four street trees along Avery Street, meeting this requirement. The landscape plan notes that street tree species would be the same as other street trees along E. Main Street or as otherwise required by the Planning Commission.

Section 4.26 E(3)(c) provides standards for interior parking lot landscaping. This is required when a parking area contains 20 or more spaces and includes planting islands at a ratio of one island per each 20 spaces or part thereof. These planting islands should be 90 square feet in area, a minimum horizontal dimension of nine feet, and contain at least one canopy tree. Half of the required trees are required in the interior parking area and the other half on the perimeter. The site plan indicates 42 parking spaces, equating to 3 required canopy trees. While planting islands are not included within the parking interior, landscaping is adjacent to parking spaces at each curb cut and along the perimeter. The applicant has exceeded the required number of trees along the perimeter. It appears this arrangement would allow vehicle circulation and parking to remain efficient while increasing landscaping along the parking perimeter. The Planning Commission may discuss whether this landscaping meets the intent of Section 4.26 for parking lot landscaping and may approve this design in accordance with Section 4.26 B, or it may require interior landscaping as required by Section 4.26 E(3)(c).

**Site Development Requirements.** Section 16A.04 provides site development requirements for the MU Mixed Use district. Each subsection is listed below, along with our remarks on each:

- A. There shall be no off-street parking located in the front yard of a lot; parking shall be located in the rear or side yard.

**Remarks:** Because the parcel has an irregular shape, it has frontages on three streets. The proposed arrangement would provide parking to the greatest extent feasible in the side yard, with some spaces extending near Avery Street. Compared to the existing design, the proposed layout reduces parking near Avery Street and removes a few spaces in the front yard along E. Main Street. The Planning Commission may find this standard met.

- B. Buildings must have the primary entrance facing a public sidewalk.

**Remarks:** The applicant is proposing to locate the main entrance on the eastern building exterior, which faces the parking lot. The existing entrance also faces the parking lot and the applicant is proposing to expand this entrance as part of the building expansion. Because the building is already existing, it may not be feasible to have the entrance facing a public sidewalk. The new proposed entrance would be located near the southeast corner of the building in close proximity to the sidewalk along E. Main Street. Two additional windows are also proposed along E. Main Street to enhance visibility in the store. The Planning Commission may discuss whether this design meets the intent of this site development standard.

- C. For all development adjacent to key frontages as illustrated on the zoning map, except single-family, two-family and multi-family dwellings, a minimum of fifty (50) percent of the street-facing principal building façade between two feet and eight feet above grade must be comprised of clear windows that allow views of indoor space or product display areas.

**Remarks:** The subject property is located on a key frontage along E. Main Street. The proposed building expansion along this frontage would include two additional windows. These windows would cover more than 50% of the building expansion façade between two and eight feet. The Planning Commission may find this standard met.

**Site Plan Review Standards.** In order to approve a special land use, the Planning Commission must find that each of the standards listed in Section 18.06 would be met. Following are those standards and our remarks on each:

- A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, the uses on adjoining property, and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.

**Remarks:** The proposed building expansion and parking reconstruction would result in additional building retail space, increased green space, and fewer parking spaces. The overall design appears to accommodate more pedestrian traffic through attractive landscaping, reduced parking surfaces, and a new bike rack. This is expected to align

with the surrounding Mixed Use district, which includes a variety of residential, retail, and office uses. The building expansion is not expected to impede normal and orderly development in the surrounding area.

The applicant has also submitted drainage and soil erosion control plans for review. The existing site does not contain any greenspace for drainage, while the new design designates a green area for drainage near Avery Street. The Planning Commission may defer to the Township Engineer and Department of Public Works for comments regarding stormwater management, grading, and soil erosion and sedimentation control. Subject to these comments, the Planning Commission may find this standard met.

- B. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets, and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.

**Remarks:** The applicant is proposing to reconstruct curb cuts on the property. While the locations for ingress/egress are proposed in relatively the same areas as existing curb cuts, the proposed modifications would result in more defined points of ingress/egress along E. Main Street and Avery Street. This is expected to enhance circulation and traffic operations on the site. Additionally, internal circulation appears to be well defined and provides a more efficient parking design than the existing parking lot, as all spaces would have the same orientation and be accessed through one drive aisle.

The application indicates that the proposed improvements would include the realignment of the delivery area. A loading/unloading area is not indicated on the site plan. The Planning Commission may clarify changes in the delivery area with the applicant.

A sidewalk is proposed along the new building expansion, which would facilitate pedestrian traffic to the entrance from parking areas, the bike rack, and the existing sidewalk along E. Main Street. This appears to provide a safe and efficient route for pedestrians. Subject to any concerns regarding the delivery area, the Planning Commission may find this standard met.

- C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the City of Lowell.

**Remarks:** The applicant is proposing to reconstruct existing curb cuts to provide more defined points of ingress/egress along E. Main Street and Avery Street. This is expected to enhance traffic circulation on the site and for traffic within the City. The new curb cut on Avery Street will require approval from the Lowell Department of Public Works, while the curb cut on E. Main Street will require approval from MDOT. As a condition of approval, the Planning Commission may require the applicant to receive approval from and comply with any stipulations of the Department of Public Works and MDOT.

- D. Removal or alteration of significant natural features shall be restricted to those areas, which are reasonably necessary to develop the site in accordance with the requirements

of this ordinance. The planning commission requires that approved landscaping, buffers and/or greenbelts be continuously maintained to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

**Remarks:** The applicant is not proposing the removal of any significant natural features. The parking lot reconstruction would increase green space on the site. Maintenance of landscaping may be included as a condition of approval.

- E. Satisfactory assurance shall be provided that the requirements of all other applicable ordinances, codes, and requirements of the City of Lowell will be met.

**Remarks:** If approved, a condition of approval is recommended that the applicant maintain continual compliance with other applicable ordinances, codes, and requirements.

- F. The general purposes and spirit of this ordinance and the Comprehensive Plan of the City of Lowell shall be maintained.

**Remarks:** The purpose of the Ordinance includes the provision of land uses that are situated in appropriate locations; limitation of congestion of population and transportation systems and other public facilities; to provide adequate and efficient transportation systems and other public services and facilities; and to promote the public health, safety, and welfare. The proposed building expansion and parking lot reconstruction are expected to enhance traffic circulation, pedestrian safety, and natural features on the site. This design appears to align with the intent of the Zoning Ordinance.

The City of Lowell's Master Plan was adopted in 2007 and outlines a desired vision for land uses in the City. The subject property is located in the Downtown future land use category. This category is intended to permit a mixture of residential, office, and commercial uses in "main-street" style buildings. This includes an emphasis on pedestrian-scale designs. The proposed site improvements appear to support a pedestrian-scale design, with increased windows on the building frontage, increased green space and landscaping, and a bike rack. The Planning Commission may find this standard met.

**Floodplain Overlay District Standards.** The subject property is also located within the Floodplain Overlay District; therefore, the standards and regulations of Chapter 14 are applicable to the proposed building expansion. Section 14.04 of the Zoning Ordinance sets forth additional standards that shall be used by the Planning Commission in reviewing the site plan. These standards are below, along with our remarks on each.

- A. Development, including the erection of structures and placement of manufactured homes, within the floodplain overlay district shall not occur except in accordance with the requirements of this ordinance and the following standards:
1. The requirements of this chapter shall be met.

**Remarks:** Section 14.07 A – I provides general standards for flood hazard reduction. Because the applicant is proposing the expansion of an existing building, materials and methods of construction are expected to be maintained and designed to prevent collapse from flooding and minimize flood damage. The applicant is not proposing any new water or sanitary sewer systems that would impact the infiltration of floodwaters into the systems. While the existing site design was primarily impervious surface, the proposed design includes an infiltration basin and increased green space that is expected to enhance drainage on the site and therefore reduces exposure to flood hazards. The Planning Commission may find this standard met.

2. The requirements of the underlying zoning district and applicable general provisions of this ordinance shall be met;

**Remarks:** Subject to the approval of all other standards as addressed in this memo, the Planning Commission may find this standard met.

3. All necessary permits shall have been issued by the appropriate local, state, and federal authorities, including a floodplain permit, or letter of no authority from the Michigan Department of Natural Resources under the authority of Act 451, of the Public Acts of 1994, as amended. Where a permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

**Remarks:** The Planning Commission may address this as a condition of approval.

4. The proposed use and/or structure(s) shall be so designed as not to reduce the water impoundment capacity of the floodplain or significantly change the volume or speed of the flow of water.

**Remarks:** The proposed improvements are not expected to significantly change the volume or speed of water in the floodplain. By increasing green space and providing drainage on site, the site is expected to better handle runoff and increase water infiltration. The Planning Commission may find this standard met.

5. Utilities, streets, off-street parking, railroads, structures, and buildings for public or recreational uses shall be designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety, and welfare.

**Remarks:** The proposed reduction in impervious surface and installment of green spaces on the site are expected to enhance the site's ability to handle flood events. Subject to any comments from the City Engineer, the Planning Commission may find this standard met.

B. Specific base flood elevation standards:

1. On the basis of the most recent available base flood elevation data all new construction and substantial improvements shall have the lowest floor, including basements, elevated at least one (1) foot above the flood level; or for nonresidential structures, be constructed such that at or below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that these standards are met and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the base flood in the location of the structure. Such certification shall be submitted as provided in this ordinance and shall indicate the elevation to which the structure is floodproofed.

**Remarks:** The Planning Commission may require certification by a professional engineer or architect as a condition of approval.

2. The most recent flood elevation data received from the Federal Insurance and Mitigation Administration (FIMA) shall take precedence over data from other sources.

**Remarks:** The Planning Commission may include this as a condition of approval.

**Recommendation.** At the March 8 public hearing, the Planning Commission should discuss the site plan, application, and carefully consider any comments from the public and the applicant. Subject to those comments, the Planning Commission may approve the application. If the Planning Commission approves the special land use and site plan, we suggest the following conditions be included, along with any others deemed necessary:

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 Engineer, Lowell Area Fire Department, Department of Public Works, or other approving agencies.
3. The applicant shall maintain continual compliance with other applicable ordinances, codes, and requirements of the City of Lowell.
4. The applicant shall submit all missing site plan items required in Section 18.04 B of the Zoning Ordinance as identified under Completeness of Submission above, unless specifically waived by the Zoning Enforcement Officer.
5. Light intensity shall not exceed one-half foot candle at all adjoining private property boundaries, as required in Section 4.24 E(1) of the Zoning Ordinance.
6. The applicant shall receive approval from the Department of Public Works and MDOT for curb cut reconstructions on E. Main Street and Avery Street, and submit copies of such approval to the City.

7. 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.
8. All necessary permits shall have been issued by the appropriate local, state, and federal authorities, including a floodplain permit, or letter of no authority from the Michigan Department of Natural Resources under the authority of Act 451, of the Public Acts of 1994, as amended. Where a permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.
9. The most recent flood elevation data received from the Federal Insurance and Mitigation Administration (FIMA) shall take precedence over data from other sources.
10. A registered professional engineer or architect shall certify that the standards of Section 14.04 B(2) are met and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the base flood in the location of the structure. Such certification shall be submitted to the City and shall indicate the elevation to which the structure is floodproofed.

As always, please contact us if there are any questions.

c: Sue Ullery, City Clerk

Request Number: \_\_\_\_\_

Filing Fee: \_\_\_\_\_



301 East Main Street  
Lowell, Michigan 49331  
Phone (616) 897-8457  
Fax (616) 897-4085

### APPLICATION FOR SITE PLAN REVIEW

- All drawings must be sealed by an architect, engineer or surveyor unless waived by the Zoning Administrator.
- 15 copies of the site plan must be submitted to the City Manager's office no later than three weeks before the Planning Commission meeting to allow adequate staff review.
- The Planning Commission meets the second Monday of the month at 7:00 p.m. where plans are approved, rejected or modified.
- Preliminary plans may be presented for Planning Commission comment, but no final approval is given until all required conditions are met.
- After approval, public works and building permits must be secured before construction may commence.

1. Street Address and/or Location of Request: SW corner of 1279 W. Main St.
2. Parcel Identification Number (Tax I.D. No.): #41-20-03-477-014 (Partial)
3. Applicant's Name: H&H Management & Development Co., LLC Phone Number 616-363-9064 or 616-291-9275  
Address: 2920 Fuller Ave., NE - Suite 200 Grand Rapids, MI 49505  

Street	City	State	Zip
Fax Number <u>616-363-9720</u>	Email Address <u>John Clark (john@hmdllc.com)</u>		
4. Are You: ☒ Property Owner    ☐ Owner's Agent    ☐ Contract Purchaser    ☐ Option Holder
5. Applicant is being represented by: Westwind Phone Number 616-843-7300  
Address: 1435 Fulton St. Grand Haven, MI 49417
6. Present Zoning of Parcel C3 Present Use of Parcel Vacant
7. Description of proposed development (attach additional materials if needed):  
Construct 1,400 sq. restaurant with drive-thru and parking area and all other associated appurtenances as shown on plan.

The facts presented above are true and correct to the best of my knowledge.

Signature: Steve Pestka Date: 02/08/2021

Type or Print Your Name Here: Steve Pestka

Property Owner Approval: As owner I hereby authorize the submittal of this application and agree to abide by any decision made in response to it. Steve Pestka 2/9/21  
Owner Date





301 East Main Street  
Lowell, Michigan 49331  
Phone (616) 897-8457  
Fax (616) 897-4085

## CITY OF LOWELL

### PUBLIC NOTICE

Please take notice that the Lowell Planning-Citizens Advisory Commission will hold a public hearing at Lowell City Hall, located at 301 East Main Street, Lowell, MI 49331 on Monday, March 8, 2021, at 7:00 PM. The subject of the hearing will be:

As a result of COVID – 19 and the current social distancing practices being mandated statewide, the meeting may be held via the Zoom Computer Teleconferencing System. Please visit our website at [www.lowellmi.gov](http://www.lowellmi.gov) to verify how the meeting will be held.

#### **Proposed drive-through restaurant at 1279 W. Main Street SE**

An application has been submitted by Westwind Construction for a Jimmy Johns restaurant at 1279 W. Main Street SE (PPN 41-20-03-477-014). Restaurants with drive-through facilities are permitted in the C3 General Business district only with special land use approval from the Planning Commission.

Copies of the application and the City's Zoning Ordinance are available for public viewing during regular business hours at Lowell City Hall, 301 East Main Street, Lowell, Michigan. Written comments will be received until the night of the hearing.

The City will provide necessary reasonable auxiliary aids and services to those with disabilities planning to attend upon three (3) days' notice to the City Clerk. Individuals who require such services should contact the City at the address listed above or by telephone at 616-897-8457.

Respectfully,

Susan Ullery  
Lowell City Clerk

# williams&works

engineers | surveyors | planners

## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** March 4, 2021  
**From:** Andy Moore, AICP  
Whitney Newberry  
**RE:** Jimmy John's – Special Land Use Application

Westwind Construction has submitted an application for site plan review and special land use approval to operate a restaurant with a drive-through facility at 1279 W. Main Street SE (PPN 41-20-03-477-014). The purpose of this memorandum is to review the request pursuant to Chapter 17 of the City of Lowell Zoning Ordinance.

### Background

The subject property is approximately 0.92 acres of vacant land in the C3 General Business district. The applicant is proposing to construct a Jimmy John's in this area, which is a portion of a larger parent parcel. For the purposes of this review, it is assumed that the parcel devoted to Jimmy John's would be split from the parent parcel. However, the Planning Commission should clarify this with the applicant.

The applicant is proposing to construct a restaurant with a drive-through facility, which is permitted as a special land use in the C3 General Business district.

### Completeness of Submission

Section 18.04 B provides a list of information required for final site plan review unless deemed unnecessary by the zoning enforcement officer. The applicant has submitted a site plan for review. All items required for detailed site plan review are included in the site plan submittal, except for the type and size of all proposed landscaping. Therefore, we consider the site plan complete for review.



## **SITE PLAN REVIEW**

**Setbacks and Dimensional Requirements.** All setbacks and dimensional requirements for the C3 General Business district are met by the proposed building.

**Parking.** Section 19.07 requires 1 parking space for each 100 square feet of gross floor area (GFA) for drive-in restaurant uses. The proposed building's GFA is 1,400 square feet, equating to 14 parking spaces. The applicant has proposed 20 parking spaces, two of which are barrier-free. Therefore, the applicant has exceeded the number of spaces required for the proposed use by 4 regular spaces and 1 barrier-free space. The Planning Commission may authorize an increase in the requirement when it is demonstrated that parking demand is expected to be greater than the requirements of Section 19.07, in accordance with Section 19.04 M.

The proposed parking and maneuvering aisle dimensions meet the requirements of Section 19.06 for the size of the parking spaces and drive aisle widths. While not required for the proposed building size, a loading area is still proposed on the site plan. This is in the vehicle stacking space area, but the applicant has indicated that deliveries would occur when the restaurant is not open to the public.

**Lighting.** Outdoor lighting is not depicted on the site plan. Any exterior lighting should comply with Section 4.24.

**Signage.** The location of a monument sign is depicted on the site plan. Specific signage details were not provided and would require a permit in accordance with Chapter 20. Compliance with Chapter 20 may be included as a condition of approval.

**Site Development Requirements.** Section 12.04 provides site development requirements for the C3 General Business district. No building or structure shall be erected unless these requirements are met and maintained in connection with such building. Each subsection is listed below, along with our remarks on each:

- A. The outdoor storage or display of goods or materials shall be prohibited in the required front yard. Goods or materials stored in the side or rear yard shall be screened from the view from the street or from abutting properties.

**Remarks:** The applicant is not proposing the outdoor storage of any goods or materials, so this standard is not applicable.

- B. Landscaping shall be provided as required in Section 4.26.

**Remarks:** Section 4.26 E(2) requires front yard landscaping in the C3 zoning district, with a minimum of one canopy tree and three deciduous shrubs for each 30 feet of lot width. The subject property's frontage along West Main Street is approximately 188 linear feet, equating to six canopy trees and 18 deciduous shrubs. The proposed landscaping meets this requirement.

The proposed site design does not require additional parking lot landscaping, as the parking area does not abut or face a public street or contain a parking aisle 20 spaces or more in length.

- C. Entrance driveways shall be located as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection or from any other driveway.

**Remarks:** The applicant is proposed to use an existing curb cut on the adjacent property to the west. Two points of ingress/egress are proposed on the site from this property through an easement that is depicted on the site plan. The Planning Commission may request a copy of the easement agreement permitting the use of the adjacent property for access.

- D. Only one (1) driveway per principal use, or collective principal use, per street shall be permitted. A second driveway may be permitted provided that such drive is constructed and permitted to share access with an abutting or adjacent principal use or existing lot. The planning commission may permit additional driveways if justified by a professional traffic study indicating the need for such additional driveways.

**Remarks:** The applicant is proposing to use an existing driveway entrance on West Main Street through a proposed ingress and egress easement. Subject to the review and approval of this easement, the site would be accessed through a shared access driveway with the adjacent use to the west.

**Site Plan Review Standards.** In order to approve a special land use, the Planning Commission must find that each of the standards listed in Section 18.06 would be met. Following are those standards and our remarks on each:

- A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, the uses on adjoining property, and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.

**Remarks:** The subject property is a relatively flat, open space. The proposed use would be located adjacent to other business uses and be a natural extension of the existing pavement area. Assuming the parent parcel is split, the subject property would be surrounded by properties in the C3 General Business district. The general vicinity contains various business uses and the proposed use is expected to be compatible with these surrounding uses. However, the Planning Commission may request proof of the property split to ensure additional screening is not necessary for any residential uses adjacent to the parent parcel.

- B. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets, and other

circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.

**Remarks:** The proposed circulation route would use an existing curb cut on West Main Street along with an internal easement for ingress/egress to the subject property. The locations of ingress/egress on the subject property appear to provide adequate access from the existing parking lot. There are no other businesses currently located along the eastern boundary of the existing parking lot, limiting other traffic in the proposed circulation route. Further, circulation within the subject property appears to be well-defined and efficient.

The applicant is also proposing to make a connection to the existing sidewalk along West Main Street for pedestrian access. This would include a crosswalk in the site and facilitate pedestrian travel to the building. The Planning Commission may find this standard met.

- C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the City of Lowell.

**Remarks:** The applicant is proposing to use the existing curb cut along West Main Street, so there would not be any changes to the vehicular connections along this street. It is expected that this curb cut could accommodate an additional use, as it currently serves a variety of businesses from a single parking area. Subject to any comments from the Department of Public Works, the Planning Commission may find this standard met.

- D. Removal or alteration of significant natural features shall be restricted to those areas, which are reasonably necessary to develop the site in accordance with the requirements of this ordinance. The planning commission requires that approved landscaping, buffers and/or greenbelts be continuously maintained to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

**Remarks:** The space is primarily sodded open space, so there are no significant natural features that would be removed as part of the development. Maintenance of landscaping may be included as a condition of approval.

- E. Satisfactory assurance shall be provided that the requirements of all other applicable ordinances, codes, and requirements of the City of Lowell will be met.

**Remarks:** If approved, a condition of approval is recommended that the applicant maintain continual compliance with other applicable ordinances, codes, and requirements.

- F. The general purposes and spirit of this ordinance and the Comprehensive Plan of the City of Lowell shall be maintained.

**Remarks:** The purpose of the Ordinance includes the provision of land uses that are situated in appropriate locations; limitation of congestion of population and transportation

systems and other public facilities; to provide adequate and efficient transportation systems and other public services and facilities; and to promote the public health, safety, and welfare. Restaurants with drive-through facilities are permitted as a special land use in the C3 General Business district. Subject to compliance with all other applicable standards, the Planning Commission may find that the general purposes and spirit of the Ordinance would be maintained.

The City of Lowell's Master Plan was adopted in 2007 and outlines a desired vision for land uses in the City. The subject property is located in the Mixed Use future land use category. Land in this category is intended to permit a mixture of residential, office, and commercial land uses that are not necessarily in a downtown-style building. Uses in this category are also intended to be pedestrian-oriented. The proposed development would provide a commercial use with a relatively small footprint, similar to other businesses in the vicinity. Pedestrian connections are proposed through a sidewalk connection from the proposed building to the existing sidewalk along M-21. The Planning Commission may find that the proposed use maintains the general purposes and spirit of the Master Plan.

**Special Land Use Review Standards.** In order to approve a special land use, the Planning Commission must find that the proposed special land use meets each of the following standards in accordance with Section 17.03. Following are these standards and our remarks on each:

- A. The proposed special land use shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;

**Remarks:** The general character of the area is commercial businesses that are primarily automobile-oriented. Several other fast-food restaurants are also in the vicinity. The applicant has provided building elevations to depict the design of the building, which appear appropriate in appearance with the character of the area. Therefore, proposed use is expected to be harmonious with existing development and not change the essential character of the area, as it would offer similar services as other businesses in the area. The Planning Commission may find this standard met.

- B. The proposed special land use shall be generally consistent with the City of Lowell Master Plan;

**Remarks:** See comments under Site Plan Review, F above.

- C. The proposed special land use shall be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water, and sewage facilities;

**Remarks:** The site plan indicates a utility easement with connections to public water and sanitary sewer. An infiltration basin is also proposed along the eastern boundary of the property. The Planning Commission may defer to the City Engineer for comments regarding utility connections and stormwater management.

Refuse disposal is proposed in a dumpster enclosure near the northern property boundary. This would include a gate and appears to provide a sufficient location for refuse disposal.

The applicant meets the minimum drive aisle widths for two-way traffic throughout the site. However, the Planning Commission may defer to the Lowell Area Fire Department for comments regarding emergency vehicle access.

- D. The proposed special land use shall not create excessive additional requirements at public cost for public facilities and services;

**Remarks:** The proposed use is not expected to create excessive additional requirements, as it is similar to other commercial uses in the general vicinity. The Planning Commission may find this standard met.

- E. The proposed special land use shall not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

**Remarks:** The proposed use is not expected to create excessive noise, smoke, fumes, glare, or odors beyond what is typical for commercial uses in a business district. The greatest impact of the use would likely be its traffic generation; however, land uses in this area are generally automobile-oriented and the proposed use is expected to align with these uses. Because an additional curb cut is not proposed on West Main Street, the proposed use is not expected to increase traffic conflicts along this street. Overall, the proposed use is not expected to generate excessive detrimental impacts. The Planning Commission may find this standard met.

- F. 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.

**Remarks:** If approved, the Planning Commission may include this standard as a condition of approval.

**Restaurants with Drive-Through Facilities Standards.** In addition to the general standards for special land uses in Section 17.03, the Planning Commission must also find that the proposed special land use would comply with specific operational standards established for restaurants with drive-through facilities as listed in Section 17.04 T. Following are those standards, along with our remarks on each:

- A. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public street right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.

**Remarks:** Stacking areas would retain circulation within the site for customers not using the drive through. The site plan depicts seven stacking spaces along the building

exterior. While more than ten vehicles could be stacked without extending into the public street right-of-way, if more than about 7 vehicles are stacked they would block the availability of some parking spaces. The primary concern with stacking spaces is to ensure that vehicles waiting are not backed out into the right of way, and the site plan would accomplish this.

- B. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.

**Remarks:** The site plan indicates three proposed waiting spaces in the parking lot adjacent to the subject property and near the drive-through exit. The subject parcel and the adjacent parcel are both owned by H & H Management & Development Co, so this arrangement would likely be feasible. However, the Planning Commission may inquire whether an agreement has been arranged for the use of these off-site spaces and request a copy of this agreement.

- C. Public access to the site shall be located at least fifty (50) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.

**Remarks:** The applicant is not proposing a new public access site to the property. The existing curb cut is greater than 50 feet from any intersection. The Planning Commission may find this standard met.

- D. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent.

**Remarks:** The subject property is a portion of a larger parent parcel. While the parent parcel is adjacent to a residential district, the smaller subject property would be surrounded by the C3 General Business district if split. The Planning Commission may discuss with the applicant whether the subject property would be split from the parent property, or if the remaining portion of the site would remain open space. If remaining as one site, the property would be adjacent to the R2 Single and Two Family Residential district and require screening along that boundary.

- E. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

**Remarks:** Outdoor speakers are not indicated on the site plan. Based on the stacking spaces and drive-through area, it is expected that these would be located along the northern building exterior. While the applicant has not proposed any landscaping along the northern (rear) property boundary to mitigate noise transmission, this may not be necessary as there is considerable open space and a road between the subject property and the R2 Single and Two Family Residential district to the north. The Planning Commission may discuss this with the applicant.



**Recommendation.** At the March 8 public hearing, the Planning Commission should discuss the site plan, application, and carefully consider any comments from the public and the applicant. Subject to those comments, the Planning Commission may approve the application. If the Planning Commission approves the special land use and site plan, we suggest the following conditions be included, along with any others deemed necessary:

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 Engineer, Department of Public Works, Lowell Area Fire 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 maintain continual compliance with other applicable ordinances, codes, and requirements of the City of Lowell.
5. If the subject property is proposed to be split from the parent parcel, proof of this split shall be submitted to the City.
6. The applicant shall submit the types and sizes of all proposed landscaping. Landscaping shall be continuously maintained to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
7. All exterior lighting shall comply with Section 4.24 of the Zoning Ordinance.
8. The applicant shall receive a permit for signage in accordance with Chapter 20 of the Zoning Ordinance.
9. The applicant shall submit to the City proof of an easement agreement for ingress/egress and off-site waiting spaces on the adjacent western property.

As always, please contact us if there are any questions.

c: Sue Ullery, City Clerk