



**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 April 12, 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 April 12, 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 Kent County State of Emergency for COVID 19 and 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**

**One tap mobile**

**+13126266799,,9806911106# US (Chicago)**

**+16465588656,,9806911106# US (New York)**

### **Dial by your location**

**+1 312 626 6799 US (Chicago)**

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**+1 669 900 9128 US (San Jose)**

**+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, APRIL 12, 2021 AT 7:00 P.M.

Join Zoom Meeting

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

Meeting ID: 980 691 1106

One tap mobile

+13126266799,,9806911106# US (Chicago)

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+1 253 215 8782 US (Tacoma)

Meeting ID: 980 691 1106

1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS
  - a. March 8, 2021 – Regular Meeting
4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
5. CLOSED SESSION
  - a. To discuss legal opinion subject to attorney-client privilege
6. OLD BUSINESS
  - a. Public Hearing – 211 S. Washington Vehicle Repair Facility – Special Land Use
  - b. Public Hearing – Joyology – 1250 W. Main Street – Special Land Use
7. NEW BUSINESS
  - a. Public Hearing - 2040 W. Main – B& D Asset Recovery Special Land Use
8. STAFF REPORT
9. COMMISSIONERS REMARKS
10. ADJOURNMENT

**OFFICIAL PROCEEDINGS  
OF THE  
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE  
CITY OF LOWELL, MICHIGAN  
FOR THE REGULAR MEETING OF  
MONDAY, MARCH 08, 2021 AT 7:00 P.M.**

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

The Meeting was called to order at 7:00 p.m. by Chair Bruce Barker.

Present: Commissioners Tony Ellis, Michael Gadula, Marty Chambers, Amanda Schrauben, Chair Bruce Barker, and Dave Cadwallader attended via zoom in Lowell, Michigan.

Absent: Commissioner Collin Plank.

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

**2. EXCUSE THE ABSENCE OF COMMISSIONER(S).**

IT WAS MOVED BY ELLIS and seconded by CADWALLADER to excuse the absence of Commissioner Collin Plank.

YES: 6.                      NO: None.                      ABSENT: 1.                      MOTION CARRIED.

**3. APPROVAL OF AGENDA.**

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

YES: 6.                      NO: None.                      ABSENT: 1.                      MOTION CARRIED.

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

IT WAS MOVED BY ELLIS and seconded by CADWALLADER to approve the minutes of the February 8, 2021 Planning Commission regular meeting as written.

YES: 6.                      NO: 1.                      ABSENT: None.                      MOTION CARRIED.

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

There were no comments.

**6. OLD BUSINESS.**

There was none.

**7. NEW BUSINESS.**

- a. Public Hearing – Text Amendment to Light Industrial District – and Site Plan Review/Special Land Use Review for 211 S. Washington – Vehicle Towing Service.

Chair Barker opened the Public Hearing.

Andy Moore with Williams & Works updated the Commissioners on the Light Industrial District and the text amendment to the district in Section 12A.03 "Special Land Use" of Chapter 12A to include vehicle towing service.

Brian McLane who resides at 420 Kent lives nearby and expressed his concern of the noise if the towing business operates 24/7.

IT WAS MOVED BY ELLIS and seconded by CHAMBERS that the Planning Commissioners recommend to City Council the text amendment to the Light Industrial District – Section 12A.03 “Special Land Use” of Chapter 12 A adding towing service to the end of that list.

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

NO: None.

ABSENT: Commissioner Plank.

MOTION CARRIED.

Moore then reviewed the Special Land Use Application for 211 S Washington stating 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 is a corner lot surrounded by residential properties in the R-3 Multiple Family Residential district. Across Washington Street is the General Business District. The approval of this application would be contingent upon the above text amendment to the Light Industrial District becoming effective following City Council approval.

Moore then reviewed the site plan standards with the Commissioner and the Commissioners found that all standards A-F are met.

Several discussions ensued between the commissioners, Moore and Mr. Nelson on the type of fence to be used, the height of the fence on the different sides of the property, the hours of operation, the lighting and noise. Moore stated all these can be conditions subject to approval.

IT WAS MOVED BY BARKER and seconded by ELLIS to accept that the site plan review standards A-F have been met.

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

No: None.

Absent: Commissioner Plank.

MOTION CARRIED.

Moore then reviewed the Special Land Use Review Standards.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to accept that the special land use review standards have been met.

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

No: None.

Absent: Commissioner Plank.

MOTION CARRIED.

Moore then reviewed the Vehicle Towing Service Standards A-F.

IT WAS MOVED BY BARKER and seconded by CHAMBERS that the Vehicle Towing Service Standards A-F have been met.

Based on the foregoing review and finding of facts, the proposed special land use and site plan is subject to the following conditions:

1. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
2. The applicant shall comply with any requirements from the City 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 a Zoning Ordinance text amendment to allow vehicle towing services in the I-L Light Industrial district is approved by the Planning Commission, 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. A dumpster and wall pack lighting shall be illustrated on the site plan.
7. Any signage shall comply with Chapter 20 of the Zoning Ordinance.
8. Require a privacy fence as tall as the ordinance allows. Arbor vitae planted as shown on the site plan.
9. No parking area shall be located within twenty-five (25) feet to any rear lot line. The paved area shall also be set back at least seven (7) feet from the northerly 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.
18. No strobe, siren, or flashing lights after sunset nor before sunrise. Regular hours of operation shall be 7am to 9pm. Towing services outside of those hours must enter off Washington Street and keep services inside the building insofar as practical to minimize impacts on the neighborhood.
19. An oil separator shall be installed with the stormwater infrastructure.
20. Idling trucks shall not be permitted other than the minimum required to conduct the business.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to approve the special land use for 211 S. Washington – Vehicle Towing Service with the conditions listed above.

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

NO: None.

ABSENT: Commissioner Plank.

MOTION CARRIED.

b.) Public Hearing – Site Plan Review/Special Land Use – 1250 W Main Street – Adult Use Marijuana Establishment.

Chair Barker opened the public hearing.

Chris Yermiana and Zaid Arabo were attending via zoom representing the applicants.

Zaid Arabo spoke stating their intent with the property.

Moore then reviewed his memo stating 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 marijuana 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 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.

Moore stated he would like the City Attorney and the City Manager to review the site plan because of the school location. Moore went through the review and added he would like a more detailed and complete site plan.

Planning Commissioners agreed that they would like to hear from the City Attorney before they make a decision.

Attorney Phillip Slot wrote a letter, that was given to each commissioner stating his concern with the school location in proximity to this site plan review and that he is not in favor of this site plan review.

City Clerk Sue Ullery read into record a letter written to the City Council (Ullery confirmed Janet Berry meant to address it to the Planning Commission) Janet J Berry who resides at 3602 Fulton St. stating she is not in favor of this site plan review.

City Clerk Sue Ullery read into record a letter written to the Planning Commissioners from Heather Sullivan who resides at 13370 Forest River Drive stating she is not in favor of this site plan review.

Debra Martin who lives on Oak Island Dr. stated she is not in favor of so many marihuana establishments in the City and would like the Planning Commission to reconsider adding any more.

Ryan Lamp who resides at 1295 Highland Hill and is the Pastor at the Calvary Christian Reformed Church stated he is not in favor of this site plan review and is concerned for the school and the children.

Chair Barker stated due to the site plan missing details and completion as well as the need to check with the City Attorney on the proximity of the school location to this site plan, we will table this until the April meeting.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to postpone the site plan review/special land use for 1250 W Main Street – Adult Use Marihuana Establishment until the April Planning Commission meeting.

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

NO: None.

ABSENT: Commissioner Plank.

MOTION CARRIED.

c.) Site Plan Review – 413 E Main Street – Dollar General

Moore reviewed his memo stating 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. 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.

Moore and the Planning Commissioners reviewed the site development requirements. Chair Barker wanted the fence addressed even though it isn't their fence, it needs to be taken care of. Commissioners found that the site development requirements have been met.

Moore then reviewed the site plan review standards.

IT WAS MOVED BY BARKER and seconded by GADULA to accept that the site plan review standards as they have been met.

YES: Commissioner Ellis, Commissioner Chambers, Commissioners Gaduala, Commissioner Cadwallader,

Commissioner Schrauben and Chair Barker.

NO: None.

ABSENT: Commissioner Plank.

MOTION CARRIED.

Moore then reviewed the Floodplain Overlay District Standards.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to accept that the Floodplain Overlay District Standards with the conditions as sited.

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

NO: None.

ABSENT: Commissioner Plank.

MOTION CARRIED.

Moore recommended the proposed site plan be approved subject to the following conditions:

1. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
2. The applicant shall comply with any requirements from the City 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. 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.
5. 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.
6. 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.
7. 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.
8. The most recent flood elevation data received from the Federal Insurance and Mitigation Administration (FIMA) shall take precedence over data from other sources.
9. 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.
10. The applicant shall work cooperatively with neighboring property owners to maintain adjacent fencing (owned by the neighbors) at Dollar General's expense for that portion of the fence adjacent to Dollar General's property.
11. Loading trucks exiting the site shall exit via Avery turning right on Jefferson Street, Jefferson south to Main Street.

IT WAS MOVED BY BARKER and seconded by GADULA to approve the site plan for 413 E Main Street with the above conditions.

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

NO: None.

ABSENT: Commissioner Plank.

MOTION CARRIED.

d.) Public Hearing – Site Plan Review/Special Land Use – 1279 W. Main Street – Jimmy Johns Restaurant – Drive-through facility.



Chair Barker opened the Public Hearing.

Paul Hansen with Roosien & Associates representing Jimmy Johns explained their intent with the proposed site making a restaurant with a drive through window. Also decided on a property split.

Moore reviewed his memo stating 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. 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. The parcel devoted to Jimmy John's would be split from the parent parcel. 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. The parcel will be split.

The Planning Commissioners reviewed the site plan review standards A-F.

IT WAS MOVED BY BARKER and seconded by ELLIS to accept that the site plan review standards A-F are met.

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

NO: None.

ABSENT: Commissioner Plank.

MOTION CARRIED.

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

IT WAS MOVED BY BARKER and seconded by CHAMBERS to accept that the special land use standards A-F are met.

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

NO: None.

ABSENT: Commissioner Plank.

MOTION CARRIED.

Moore then went through the Restaurant with Drive-through Facilities Standards A-E along with any conditions associated with it.

City Clerk Sue Ullery read a letter into record from Martha Roskamp who resides at 1270 Sibley concerned about the alley way behind the parcel and her fence.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to accept that all the Restaurant with Drive-through facility Standards are met.

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

NO: None.

ABSENT: Commissioner Plank.

MOTION CARRIED.

Moore recommended the proposed site plan be approved subject to the following conditions:

1. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
2. The applicant shall comply with any requirements from the City 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.

IT WAS MOVED BY BARKER and seconded by GADULA to approve the special land use for 1279 W Main Street with the above conditions.

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

NO: None.

ABSENT: Commissioner Plank.

MOTION CARRIED.

8. **STAFF REPORT.**

Andy Moore with William & Works encouraged the commissioners to think of topic they would like training on.

Chair Barker suggested an explanation of the budget.

Commissioner Chambers stated he is happy to work these late meetings if new business is coming to town.

9. **COMMISSIONERS last REMARKS.**

Commissioner Gadula hopes this is the last zoom meeting and we will be in person next month.

Commissioner Ellis asked what is the protocol in the City for feathered flags, are they allowed or not.

Andy Moore will look at the Ordinance and the circumstances where they are being used.

10. **ADJOURNMENT.**

IT WAS MOVED BY CADWALLADER and seconded by CHAMBERS to adjourn at 9:48 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

# williams&works

engineers | surveyors | planners

## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** April 9, 2021  
**From:** Andy Moore, AICP  
Whitney Newberry  
**RE:** **211 South Washington Vehicle Repair Facility – Special Land Use Application**

Mr. Chris Nelson has applied for site plan review and special land use approval to operate a vehicle repair service 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 and the applicant is proposing to use existing buildings and site infrastructure. The applicant received conditional special land use approval for a towing service on this property, and towing services can only include a vehicle repair facility if it is specifically authorized by the Planning Commission (Section 17.04 CC, 3). The applicant has indicated that vehicle repair is desired on the site. Vehicle repair facilities, excluding body shops, are permitted in the I-L Light Industrial district only with special land use approval from the Planning Commission.

Following are definitions of a vehicle service facility and body shop to provide context to the permitted actions in association with a vehicle repair facility on this site:

**Vehicle Repair Facilities.** Any building, premises, or land where the primary use is the repair of motor vehicles, including body shops, provided all work is performed within an enclosed building and the storage of motor vehicles is within a completely secure area.

**Body Shop.** Any building, premises, or land in which or upon which the primary use is: collision servicing, including body, frame, and fender straightening or repair; vehicle painting; or provision of wrecker service with storage of vehicles included.



### **Completeness of Submission**

The site plan applicable to the vehicle towing service is also applicable to the vehicle repair facility. Therefore, the completeness of this submittal was previously addressed in relation to the conditional approval of the vehicle towing service and is considered complete for this review.

**Site Development Standards and Site Plan Review.** The site layout, construction, and dimensional requirements would remain the same for both the vehicle towing service and the vehicle repair facility uses. Therefore, our evaluation of standards in Section 12A.04 related to site development in the I-L district and Section 18.06 related to site plan review remain the same as the previous conditional approval of the towing service. We offer the following additional comments in relation to the vehicle towing service:

**Parking:** Because the Ordinance does not provide a parking requirement for a vehicle towing service, the previous memo dated March 4, 2021 suggested five parking spaces based on an industrial establishment as the most similar use. Section 19.04 J requires mixed uses in a building to have parking spaces for at least the sum of the individual requirements for each use, unless the peak parking demand does not overlap. Vehicle repair shops require 1 parking space for each 800 square feet GFA and 3 spaces for each stall or service area. The total square footage for buildings is approximately 6,680 GFA, equating to 9 required parking spaces. The site plan does not indicate whether there would be any stalls or service areas requiring additional spaces. The Planning Commission may discuss whether the peak parking demand times overlap and if not, may reduce the required spaces by up to 50% (Section 19.04 J). The Planning Commission may also discuss with the applicant whether there would be any stalls or service areas requiring additional spaces. Because the number of parking spaces is not indicated on the site plan, the Planning Commission may also discuss the total proposed parking with the applicant to determine if parking requirements are met. 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.

**Landscaping:** Landscaping was previously discussed in accordance with the towing service use. A condition of approval was included that the applicant install a privacy fence as tall as the Ordinance allows, which would be 8 feet in an industrial district. It is expected that that previously approved landscaping and 8-foot fence for the towing service would also provide a sufficient buffer for a vehicle repair facility.

**Outdoor Storage:** Outdoor storage of goods or materials is prohibited in all yards on this site in accordance with Section 12A.04 B. While the site plan does not indicate any outdoor storage, the Planning Commission may include this as a condition of approval in association with the vehicle repair facility.

**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. There are no specific special land use standards for vehicle repair facilities. Following are the general standards of Section 17.03 and our remarks on each in relation to the proposed vehicle repair facility:

- 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 vehicle repair facility, excluding a body shop, is permitted by special land use in the I-L Light Industrial district. The applicant is not proposing any changes in appearance to the existing buildings on the site. The applicant has indicated that associated vehicle repairs would be light. The I-L district specifically excludes body shops in association with vehicle repair facilities. Therefore, more intense operations such as collision servicing; body, frame, and fender straightening or repair; vehicle painting; and vehicle storage would not be permitted. Because the specific activities proposed for vehicle repair are unknown, the Planning Commission may include a condition of approval that prohibits activities associated with a body shop.

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

**Remarks:** The subject property is located in the Downtown Edge future land use category in the Master Plan. 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. While the Planning Commission determined that the towing service use was compatible with the Master Plan, the vehicle repair facility should also be evaluated in relation to this category. Because vehicle service uses would be within an enclosed building and no body shop uses are permitted, it is likely that the proposed vehicle service facility would be comparable in intensity to the towing service use.

- 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 received conditional approval for the towing service, which included an evaluation of utility connections, stormwater infrastructure, and emergency vehicle access. The presence of a light vehicle repair facility is not expected to require the additional provision of utilities, stormwater, emergency vehicle access, or other essential public facilities and services beyond that which was previously evaluated and conditionally approved. The Planning Commission may find this standard met.

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

**Remarks:** The proposed vehicle service facility 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 applicant is proposing "light" repairs in the vehicle repair facility. Because body shops are specifically excluded in the I-L Light Industrial district, activities such as collision servicing; body, frame and fender straightening or repair; vehicle painting; and vehicle storage would not be permitted on the site. The Planning Commission may also inquire which types of service activities the applicant intends to conduct on the site to clarify the intensity of operation. The Planning Commission may also inquire whether this repair facility would function for the entire public or only to service vehicles towed to the site, as this may impact traffic generation.

The definition for a vehicle repair facility requires that all work be performed within an enclosed building and that any motor vehicle storage is within a completely secure area. While long-term storage is not permitted due to its association with a body shop, the applicant has proposed a fence with gates around the site in association with the towing service. This is expected to maintain a secure area for vehicles awaiting repair. The Planning Commission may include a condition of approval that all vehicle repairs be performed within a completely enclosed building to mitigate noise, dust, vibration, odor, or other impacts on adjacent residential uses.

- 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.

**Recommendation.** At the April 12 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, we suggest the following conditions be added to the conditional special land use approved for the towing service, 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 applicant shall comply with the parking standards of Section 19.04 J of the Zoning Ordinance for mixed uses, unless specifically modified by the Planning Commission. The location of these spaces shall be depicted on the site plan and submitted to the Zoning Administrator for approval.
6. Outdoor storage shall be prohibited in all yards, in accordance with Section 12A.04 B of the Zoning Ordinance.
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. The vehicle repair facility shall not include a body shop or conduct activities generally associated with a body shop, including but not limited to, collision servicing; body, frame, and fender straightening or repair; vehicle painting; or storage of vehicles. The facility shall be limited to minor vehicle repairs compatible with adjacent residential uses.
9. All vehicle repairs shall occur within a completely enclosed building.
10. Motor vehicles awaiting repair at the vehicle repair facility shall not be located outdoors for more than 30 days.

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

c: Sue Ullery, City Clerk



S. WASHINGTON ST



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.  

Owner [Signature]

2/8/21  
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)   | INITIAL<br><u>BT</u> |
| 2. A city locational sketch   | <u>BT</u>            |
| 3. Legal description and City address of the subject property   | <u>BT</u>            |
| 4. The size in acres or square feet of the subject property   | <u>BT</u>            |
| 5. All lot and/or property lines with dimensions, including building setback lines  | <u>BT</u>            |
| 6. The location of all existing structures within one hundred (100) feet of the subject property's boundary   | <u>BT</u>            |
| 7. The location and dimensions of all existing and proposed structures on the subject property  | <u>BT</u>            |
| 8. The location and dimensions of all existing and proposed:  |                      |
| ▪ Drives  | <u>BT</u>            |
| ▪ curb openings (NOTE: all new openings onto M-21 (Main Street) must receive State Transportation Department approval)  | <u>BT</u>            |
| ▪ sidewalks   | <u>BT</u>            |
| ▪ exterior lighting   | <u>BT</u>            |
| ▪ curbing   | <u>BT</u>            |
| ▪ parking areas (include and delineate the total number of parking spaces showing dimensions of a typical space)  | <u>BT</u>            |
| ▪ unloading areas   | <u>BT</u>            |
| ▪ recreation areas  | <u>BT</u>            |
| ▪ common use areas  | <u>BT</u>            |
| ▪ areas to be conveyed for public use and purpose   | <u>BT</u>            |
| 9. The location, pavement width and right-of-way width of abutting roads, alleys or easements   | <u>BT</u>            |
| 10. The existing zoning of all properties abutting the subject project  | <u>BT</u>            |
| 11. The location of all existing and proposed:  |                      |
| ▪ landscaping and vegetation  | <u>BT</u>            |
| ▪ location, height and type of existing and proposed fences and walls   | <u>BT</u>            |
| 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                                    | <u>BT</u>            |
| 14. The location and size of septic and drain fields  | <u>BT</u>            |
| 15. Contour intervals shown at five (5) foot intervals  | <u>BT</u>            |
| 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)  | _____                |

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;

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;

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

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:

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



# williams&works

engineers | surveyors | planners

## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** April 9, 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 2,204 square feet of an existing building (13,572 sq. ft. total) for an adult use marihuana establishment. The remaining portion of the building (11,368 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. Only curve radii were not submitted for drives; however, these may not be necessary since the applicant is not proposing changes to the driveways and parking areas on the site. The zoning enforcement officer may waive any item deemed unnecessary for review.

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.
- Items addressed in our confidential memo related to the 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, width, and coverage requirements of Section 12.04. The Planning Commission may find this standard met.

**Site Development Requirements.** Section 12.04 A through C provide site development requirements. Landscaping is addressed below. Other site development requirements are not applicable since the applicant is proposing to use an existing curb cut on W. Main Street.

**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 12 canopy trees and 67 deciduous shrubs in the front yard, exceeding this standard.

The extent to which the existing parking lot would be modified is unknown, along with 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. All parking spaces and drive aisle widths meet the minimum requirements of Section 19.06. 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 43 parking spaces, four of which are ADA van accessible. Considering the parking demand required at other marijuana establishments in the area, the Planning Commission may approve this increased number of spaces in accordance with Section 19.04 M.

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 along the northern building exterior. The dimensions of this space are not included. Section 19.08 requires that loading spaces be a minimum of 12 feet by 40 feet, with a 14-foot height clearance. A loading space with these dimensions would likely block circulation on the site, although frequent use of this space is not anticipated. The Planning Commission may address this with the applicant and may include these loading space requirements as a condition of approval.

**Lighting.** The site plan indicates the placement of existing and proposed light poles. Two new light poles are proposed along the western property boundary. These would have a maximum 15-foot height, have the lens limited to 250 W, and shielded from adjacent property. Eight new LED 250 W. wall packs are also proposed on north, east, and west building exteriors. The applicant's security plan also states that exterior lights would be constantly illuminated at all points of entry/exit and that motion-detecting lights would be installed at areas not frequently used for entry/exit. The Planning Commission may request the applicant submit a photometric plan to determine compliance with Section 4.24 E(1).

**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 a 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. The site survey indicates the presence of a sports



training facility on the site. Surrounding properties include other commercial and public uses. 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. The applicant has indicated that the baseball diamond on the southern portion of the site used by the high school would remain and no changes are proposed.

- 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. Another curb cut and gravel drive off Bowes Road. 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.

The existing asphalt parking area provides access around the entire building. The proposed parking spaces for the marijuana 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 the building 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.

The Planning Commission may also require cross access easements to properties on the east and west to facilitate movement between properties along Main Street.

- 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 "...ensure 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 marijuana 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 2,204 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.

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 the use of utilities is expected to be comparable to a typical retail operation. Further, facilities are expected to be adequately serviced by local streets. Existing utilities were included on the site plan and may be reviewed by the Township Engineer to ensure they remain 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. The site survey indicates catch basins within the Main Street right-of-way. However, 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 subject property is not within 1,000 feet of the C-2 district. 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. A letter was received from Slot Law Group on behalf of Calvary Christian Reformed Church, stating that a school ("Classical Conversations of Lowell") operates on the church property every Monday from 8:00am to 3:30pm during the school year. While it appears that these sessions are intended to have some educational value for students, we disagree with the interpretation that the use of Calvary Christian Reformed Church in this manner constitutes a public or private school under the terms of the Zoning Ordinance. We have forwarded this matter to the City's legal counsel for further review. In our opinion, the site satisfies the separation distance requirements outlined in 17.04FF(b).

- 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. A details sheet (AS.1) 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. While the height of the enclosure is not indicated, 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, office, or public uses. 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 sports training 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 April 12 meeting, 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 approved, we recommend the following conditions, 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.



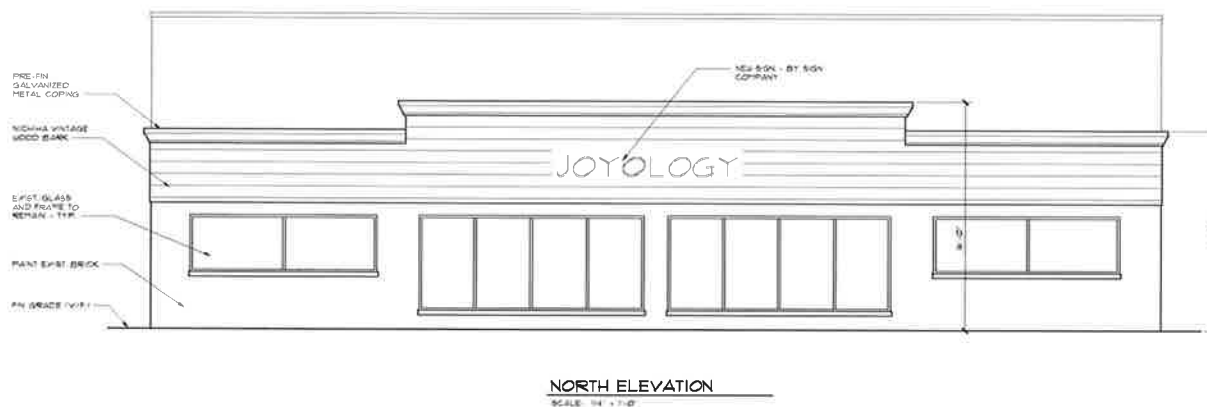
8. The applicant shall submit a photometric plan and exterior lighting shall comply with Section 4.24 of the Zoning Ordinance.
9. All signage shall comply with Chapter 20 of the Zoning Ordinance and a sign permit shall be obtained prior to the erection of any signage on the site.
10. The security plan shall address the items outlined in our confidential memo dated March 31, 2021.
11. All driveways shall comply with the design standards of Section 19.03 B of the Zoning Ordinance.
12. The loading space shall have minimum dimensions of 12 feet by 40 feet, with a 14-foot height clearance, in accordance with Section 19.08 of the Zoning Ordinance.
13. 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.
14. Doors and windows shall remain closed except for the time needed to allow people to ingress or egress the building.
15. 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.
16. The trash enclosure shall be secure and locked at all times and designed to an appropriate height to deter trespassing.
17. The marihuana establishment shall not also sell alcoholic beverages or tobacco products.
18. 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.
19. The city shall have the right to examine, monitor, and audit records and documentation, which shall be made available to the city upon request.
20. 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.



PERMIT  
01-14-2021

## A.2



**31313 NORTHWESTERN  
HWY., SUITE 104  
FARMINGTON HILLS,  
MICHIGAN 48334  
OFFICE • 248-767-0828  
FAX • 248-564-5277**



ISSUED FOR:  
PERMIT  
01-14-2021

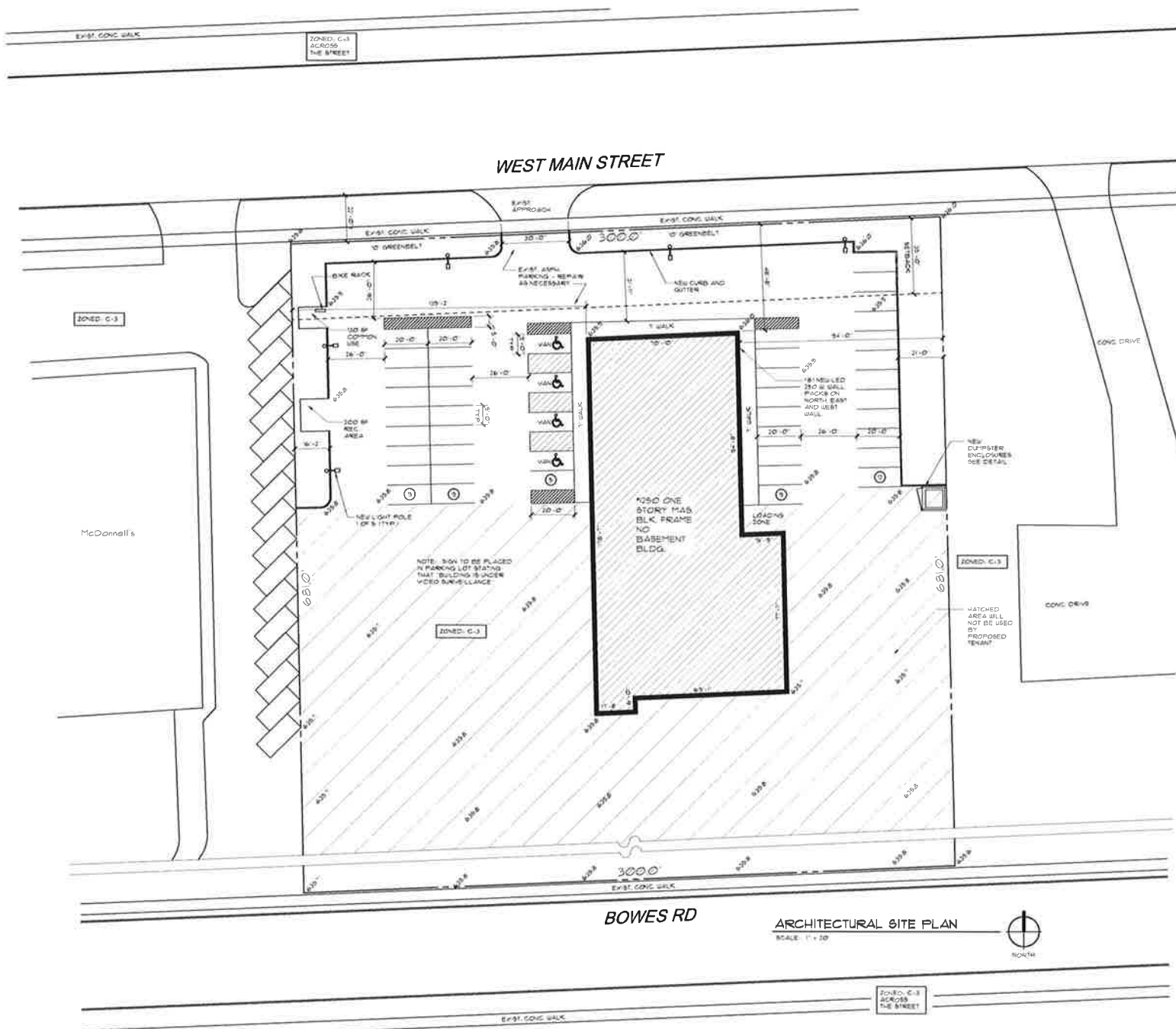
DO NOT SCALE PRINTS -  
USE FIGURED  
DIMENSIONS ONLY

**JOB NO.**

**20-070**

SHEET NO.

## AS.2

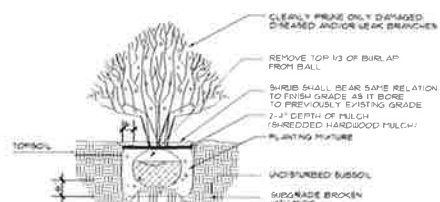


WEST MAIN STREET

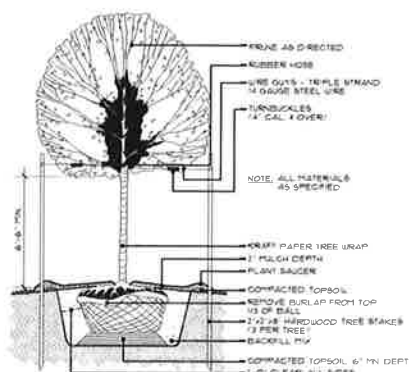
## PLANT MATERIAL LIST

PLANT #	QUANT	BOTANICAL NAME	COMMON NAME	SIZE
1	75	ACER RUBRA	RED MAPLE	2" CAL. 10 Ht.
2	68	BURNING BUSH ALATA COMPACTA	SHRUB BURNING BUSH	2' HIGH - 2-1/2' DIA.

NOTE: TREES TO BE EVERY 30' MIN.



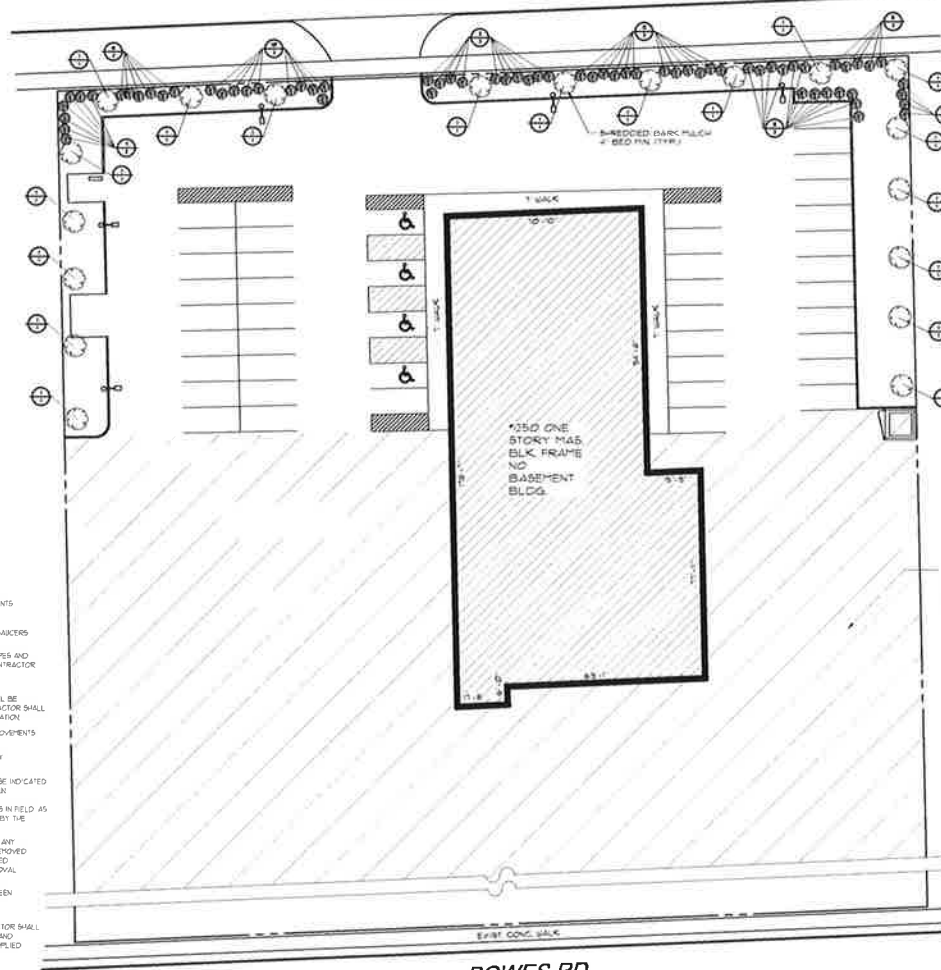
2 SHRUB PLANTING DETAIL  
NO SCALE



1 DECIDUOUS TREE PLANTING DETAIL  
NO SCALE

## LANDSCAPE NOTES:

1. OVERCONTRACTOR MUST CONFORM TO ALL LANDSCAPING AND SCREENING REQUIREMENTS OF CITY OF LOWELL, REFER TO THE CITY OF LOWELL ZONING ORDINANCE.
2. INSTALL 4" DEEP SHREDDED BARK MULCH TO ALL PLANTING AREAS AND TREE SAUCERS (NO POLY FILM).
3. OVERCONTRACTOR SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES, PIPES AND STRUCTURES, AS WELL AS THE LOCATION OF EXISTING TREES AND VEGETATION. OVERCONTRACTOR SHALL BE RESPONSIBLE FOR ANY COST INCURRED DUE TO DAMAGE/REMOVAL OF SAID ELEMENTS.
4. ANY DISCREPANCIES BETWEEN PLANS, NOTES, DETAILS AND EXISTING CONDITIONS SHALL BE IMMEDIATELY REPORTED TO THE OWNER'S AUTHORIZED REPRESENTATIVE. OVERCONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ALL REVISIONS DUE TO FAILURE TO GIVE SUCH NOTIFICATION.
5. OVERCONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE TO EXISTING MATERIALS/IMPROVEMENTS DURING CONSTRUCTION.
6. SITE BOUNDARY, TOPOGRAPHY, UTILITIES AND OTHER BASE INFORMATION PROVIDED BY OTHERS.
7. OVERCONTRACTOR SHALL VERIFY QUANTITIES SHOWN ON PLANT SCHEDULES AND THOSE INDICATED ON PLANS. OVERCONTRACTOR IS RESPONSIBLE FOR INSTALLATION OF QUANTITIES DRAWN.
8. OVERCONTRACTOR SHALL MAKE MINOR ADJUSTMENTS TO PLANT MATERIAL LOCATIONS IN FIELD AS NECESSARY. THE LOCATION OF ALL PLANT MATERIAL SHALL BE SUBJECT TO APPROVAL BY THE OWNER.
9. ALL PLANT MATERIAL SHALL BE OF THE SPECIES CALLED FOR IN THE PLANT SCHEDULES. ANY PLANT MATERIAL NOT MEETING THE SPECIES AND/OR QUALITY AS CALLED FOR SHALL BE REMOVED FROM SITE. ALL TREES SHALL BE INSPECTED AND APPROVED BY THE OWNER'S AUTHORIZED REPRESENTATIVE. NO SUBSTITUTIONS OF PLANT MATERIAL SHALL BE MADE WITHOUT APPROVAL FROM THE OWNER'S AUTHORIZED REPRESENTATIVE.
10. ALL PROPOSED TREES OVER 7" CAL. SHALL BE SHOWN SHOWN SECURE, SEE ENVIRONMENTAL TREE PLANTING DETAIL OR DECIDUOUS TREES PLANTING DETAIL WHERE APPLICABLE.
11. ALL PLANTING SEEDS TO BE TREATED WITH ANTIMOLD AND FUNGICIDE. OVERCONTRACTOR SHALL INSURE THAT PROPOSED PLANT MATERIAL IS SHOWN TO THE SPECIFIC PROPERTIES AND THAT FERTILIZER APPLICATION FOLLOWS THE MANUFACTURER'S SPECIFICATIONS AND IS APPLIED IN ACCORDANCE WITH APPLICABLE HORIZONTAL PRACTICES.
12. OVERCONTRACTOR MUST INSTALL AND UNDERGROUND IRRIGATION AS SHOWN.



LANDSCAPE PLAN  
SCALE: 1" = 20'



## PROJECT:

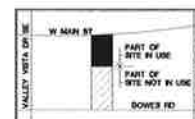
**PROPOSED  
ADULT USE  
RETAILER  
1250 WEST  
MAIN STREET  
LOWELL,  
MICHIGAN 49331**

## ISSUED FOR:

**PERMIT  
01-14-2021**

## NOTES:

1. PROPOSED SITE IS LOCATED IN AREA PERMITTED BY THE ZONING ORDINANCE.
2. THE PROPOSED USE DOES NOT REQUIRE ANY ZONING MAP AMENDMENTS OR VARIANCES AT THE TIME OF APPLICATION.
3. THE PROPOSED USE DOES NOT REQUIRE ANY ZONING MAP AMENDMENTS OR VARIANCES AT THE TIME OF APPLICATION.
4. EXISTING STORM WATER MANAGEMENT TO REMAIN.
5. EXISTING FH AND UTILITIES TO REMAIN.
6. EXISTING TOPOGRAPHY TO REMAIN - REPAIR PARKING LOT AS NEEDED.



PROJECT ADDRESS:  
1250 WEST MAIN STREET  
LOWELL, MICHIGAN 49331

LOCATION MAP  
DATE

## PROPOSED ADULT USE RETAILER

THE CITY OF LOWELL, MICHIGAN

APPLICANT:

BRIAN TOMA  
222 EAST WHEEL STREET, SUITE 103  
BIRMINGHAM, MICHIGAN 48009  
(205) 322-2232

## INDEX OF DRAWINGS

AR1	SITE PLAN DETAIL
AR2	ARCHITECTURAL INT. PLAN
LR1	LANDSCAPE PLAN
A1	FLOOR PLAN
A2	EXTERIOR ELEVATIONS

## SITE DATA:

LOVED: C-1 (CENTRAL BUSINESS)  
SIZE: 204,300 SF. ± 4.69 ACRES

## BUILDING DATA:

PROVISIONAL CENTER MERCANTILE: 2204 SF. (10000)  
TOTAL: 11632 SF. (USEABLE ± 80%)  
TOTAL BUILDING: 13312 SF. (10000)

## BUILDING TO SITE RATIO:

BUILDING AT GRADE: 0.510 SF.  
ACCESSORY STRUCTURE NOT PICTURED: 1400 SF.  
TOTAL: 9.312 SF.  
SITE: 204,300 SF. ± 4.69 ACRES  
BUILDING RATIO: 180% (MAP ± 80%)

## PARKING DATA:

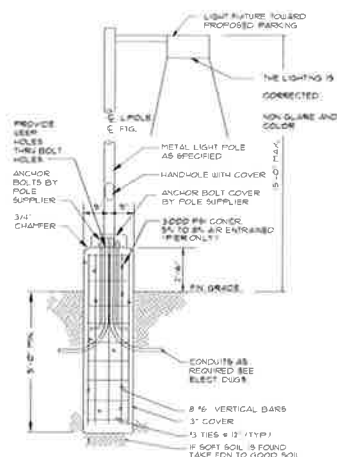
PARKING REQUIREMENTS:  
ONE PARKING SPACE PER 50 SF. (10000)  
TOTAL REQUIRED: 2204 SF. / 160 ± 3 SPACES  
TOTAL PROVIDED: 44 SPACES

## HANDICAPPED PARKING:

REQUIRED: 1 SPACE  
PROVIDED: 4 SPACES

## LEGAL DESCRIPTIONS:

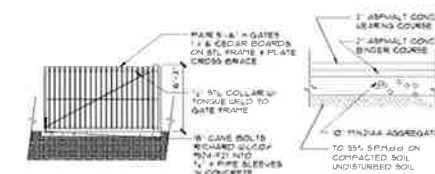
THAT PART OF A 100 FT. OF E. 681 FT. OF S.E. 1/4 LYING S. OF E. LINE OF RULTON ST. / 100 FT. WIDE / SEC. 3 T4N R2W S.21A.



## TYP. LIGHT POLE BASE DETAIL

NO SCALE  
NOTE: ALL NEW LIGHTING TO BE SHIELDED AND DIRECTED DOWNWARD.

- LIGHTING NOTES:  
1- PARKING LOT LIGHTING POLE LENS TO BE LIMITED TO 350 W.  
2- WALL PACK ARE LIMITED TO 75 W.  
3- ALL LIGHTS TO BE SHIELDED FROM ADJACENT PROPERTY.  
4- THE LIGHTING IS NON-GLARE AND COLOR CORRECTED.

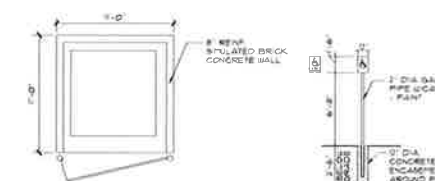


## DUMPSTER GATE DETAIL

NO SCALE

## ASPHALT PAVT. DETAIL

NO SCALE

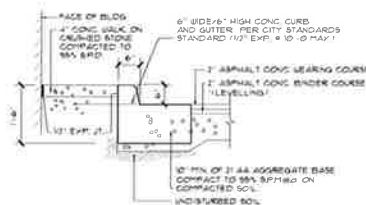


## DUMPSTER ENCLOSURE PLAN

NO SCALE

## B.F. PARKING SIGN

NO SCALE



## ASPHALT PAVT. / CURB DETAIL / CONC. SIDEWALK

NO SCALE

DO NOT SCALE PRINTS -  
USE FIGURED  
DIMENSIONS ONLY

## JOB NO.

**20-070**

## SHEET NO.

**AS.1**

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 before the Planning Commission meeting to allow adequate staff review.
- The Planning Commission meets the fourth 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: 2040 W. Main Street
2. Parcel Identification Number (Tax I.D. No.): #41-20-03-385-027
3. Applicant's Name: B&D Asset Recovery Phone Number (616) 745-0125  
 Address: 2335 W. Main St. Lowell MI 49331  
Street City State Zip  
 Fax Number \_\_\_\_\_ Email Address \_\_\_\_\_
4. Are You: ☐ Property Owner ☐ Owner's Agent ☐ Contract Purchaser ☐ Option Holder
5. Applicant is being represented by: Lapham Assoc. Phone Number (989) 345-5030  
 Address: 116 S 3rd St West Branch MI 48661
6. Present Zoning of Parcel C-3 Present Use of Parcel vacant
7. Description of proposed development (attach additional materials if needed):  
Proposed commercial storage warehouse.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

Signature: Richard Davenport PM Date: 3/25/2021 | 8:28 AM EDT

Type or Print Your Name Here: Damien Dixon

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. Damien Dixon President/owner 3/25/2021 | 8:52 AM  
DocuSigned by: AB0A381C39514CA 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.

- |   | <b>INITIAL</b> |
|---|----------------|
| 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. <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)  | _____          |

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;  
This development utilizes the oddly configured parcel of land that abuts a county drain to the east and industrial use to the south. The existing retail commercial uses to the north will buffer the site from the highway.
  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;  
The building will only house a few employees and has municipal water and sewer available.  
Stormwater will be managed and contained on-site within the requirements of the city. Shared parking and Driveway with the northerly commercial developments will not require a new driveway on the highway.
  3. Not create excessive additional requirements at public cost for public facilities and services; and  
The facility is intended to store electronic / automation controls etc. recycled from manufacturing facilities and will have a minimal impact on the site or the surrounding community.
  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.  
The facility will house recycled electronics and automation controls from assembly lines and other similar facilities.  
No outdoor work will take place and all storage is within the proposed building. Occasional deliveries will be made via tractor trailers at the proposed loading dock.

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:

Parcel meets the minimum size requirements. The remaining items do not appear to be applicable to this type of storage facility.



# williams&works

engineers | surveyors | planners

## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** March 25, 2021  
**From:** Andy Moore, AICP  
Whitney Newberry  
**RE:** **B&D Asset Recovery Special Land Use**

B&D Asset Recovery has applied for site plan review and special land use approval to operate a commercial storage warehouse at 2040 W. Main Street (PPN 41-20-03-385-027). 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 a vacant parcel of approximately 1.2 acres in the C3 General Business district. The applicant is proposing to construct a 17,604 square foot pre-engineered metal building on the site to accommodate a commercial storage warehouse. The use includes reclaiming and disassembling electronic equipment for recycling and reuse. Parts and products would be stored within the building before being shipped elsewhere. A commercial storage warehouse is defined as “a building or buildings used primarily as a commercial business for the storage of goods and materials.” A commercial storage warehouse is permitted by special land use in the C3 General Business district.

The applicant also received a variance at the February 1, 2021, Zoning Board of Appeals meeting for a reduced rear yard setback from 35 feet to 15 feet.

### Completeness of Submission

The applicant has submitted site plan documents for review. Section 18.04 B provides a list of information required for final site plan review unless deemed unnecessary by the zoning enforcement officer. We find that the site plan is generally complete for review; however, the legal description of the subject property is incorrect and should be revised.



## **SITE PLAN REVIEW**

**Setbacks and Dimensional Requirements.** Section 12.04 provides site development requirements for the C3 district. The applicant received a variance for a 15-foot rear yard setback on the property. With this variance, the proposed building meets all setback, height, coverage, and lot area requirements for the C3 district. The lot width is legally nonconforming, as the property frontage is less than 100 feet along W. Main Street.

Other site development requirements are listed in Section 12.04. The applicant is proposing to use an existing curb cut and no outdoor storage is proposed, so several of these standards are not applicable. Landscaping is addressed below.

**Landscaping.** The applicant is not proposing any landscaping or fencing on the site. The subject property is adjacent to the MHP Manufactured Home Park residential district to the east. Therefore, a wall or wooden privacy fence six feet in height or landscaped buffer or berm, at least partially comprised of evergreen trees, is required between uses in Section 4.26 E(1). Aerial imagery indicates vegetation along adjacent property boundaries to the north and east. While existing vegetation is located on the adjacent residential property, the Planning Commission may also request a fence or wall on the subject property to further mitigate noise and visual impacts if determined necessary. If a fence or wall is recommended, it should be a fully opaque 6' privacy fence or similar screen.

Front yard landscaping is required in the C3 district, which should include a minimum of 1 canopy tree and 3 deciduous shrubs for each 30 feet of lot width. The subject property is about 45 feet wide at W. Main Street, equating to 1 canopy tree and 3 deciduous shrubs. No landscaping is proposed, and landscaping along Main Street is generally infeasible due to the configuration of the lot.

The parking area does not abut or face a public street or contain 20 or more spaces, so additional landscaping is not required for the parking area. The Planning Commission may modify landscape requirements in accordance with Section 4.26 B when finding circumstances that warrant a change in requirements or that existing landscaping or screening would be preserved and meet the intent of Section 4.26.

**Lighting.** The applicant is proposing five shielded wall packs on the building and has submitted a photometric plan. Section 4.24 E(1) requires that lighting not exceed 0.5 footcandles on adjacent private property. This is exceeded at two points along the southern and western property boundaries. The Planning Commission may include compliance with Section 4.24 as a condition of approval.

**Parking.** Warehouses and storage buildings require 1 parking space per 2,000 square feet GFA, with a minimum of four spaces (Section 19.07). The applicant is proposing a 17,604 square foot building, equating to nine required parking spaces. Seven spaces are proposed on the site, and a note indicates an agreement with an adjacent parcel for shared parking. The Planning Commission may request a copy of this agreement.

Parking space and maneuvering aisle dimensions are not indicated on the site plan. The Planning Commission may request these measurements be added to the site plan and adhere to the standards of Section 19.06.

Lastly, the applicant has indicated two truck docks for loading/unloading of goods and materials. Section 19.08 C prohibits loading spaces from being visible from the frontage street. The proposed loading area is likely visible from W. Main Street, although it would be set back considerably from the road frontage due to parcel shape. The outlined trucks on the site plan also extend beyond the parcel boundary. The Planning Commission may inquire whether there is an easement or formal agreement in place with the adjacent property that would allow trucks to travel and park on this adjacent property. This may be addressed as a condition of approval.

**Signage.** Signage has not been included in the site plan submittal. As a condition of approval, the Planning Commission should require any signage to comply with Chapter 20 of the Zoning Ordinance.

**Site Plan Review Standards.** 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 the 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 received a variance for a reduced rear yard setback, as the parcel has an irregular shape. The original variance review was based on a 15,625 square foot building, which was expanded to a 17,604 square foot building in the site plan submittal. The updated drawing shows that the northeast portion of the building is 60 feet wide (previously it was 40) and this causes delivery trucks to extend over the property boundary at the loading/unloading docks and blocks vehicle circulation on the site to the parking areas. The Planning Commission should discuss this with the applicant.

The proposed building is larger than many other buildings in this area. While commercial storage buildings are permitted by special land use in the C3 district, the size and design proposed appear more industrial in nature. The Planning Commission may discuss the size of the proposed building in relation to surrounding uses in the area and whether this would impact the normal and orderly development of surrounding properties.

- 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 access to the site through an existing curb cut on W. Main Street, which includes an easement designed for ingress and egress. Due to the proposed building size and delivery truck loading/unloading area, vehicle circulation would be interrupted whenever a truck was present at the loading/unloading dock. The presence of a truck at either dock would prevent vehicles from reaching the parking spaces unless they travel on the adjacent property. The Planning Commission should discuss this with the applicant and inquire whether an agreement for traffic circulation has been made with the adjacent property.

Pedestrian circulation is primarily accommodated through a sidewalk on the west building exterior adjacent to parking spaces. The building also includes a door on the southern exterior and a light is proposed adjacent to this door. Minimal pedestrian circulation is anticipated on the property due to the nature of the use. The Planning Commission may discuss this with the applicant.

- 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 share ingress/egress with adjacent properties through an existing curb cut and access easement. The adjacent uses are commercial (cell phone retailer, oil change service), although they are relatively small in nature and would primarily accommodate residential vehicles. The proposed use appears to utilize semi trucks, which may interfere with other vehicular circulation on adjacent sites. The Planning Commission may discuss the frequency and expected time of deliveries with the applicant to determine whether deliveries would occur during other peak business times. A driveway permit will also be necessary from MDOT and may be included as a condition of approval.

- 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 surrounding public and private property.

**Remarks:** The applicant is not proposing to remove any significant natural features, as the site is primarily vacant, open space. There are some trees along property boundaries that are not depicted on the site plan. It is unknown if any trees would have to be removed to accommodate the driveway. The Planning Commission may discuss this with the applicant and may require any landscaping functioning as a buffer to be retained and continuously maintained.

- 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 continual 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 uses that do not necessarily adhere to the style of downtown buildings. This district offers more automobile-related uses that would not always be compatible with residential uses. Section 12.01 of the Ordinance states that "areas proposed for this district will be reviewed with consideration toward traffic, impact on adjacent areas, size and access to the lot, and whether or not the proposed area helps prevent strip commercial development." The proposed use provides an automobile- and truck-related use that receives and delivers commercial goods and also contains some office space. While the size of the proposed building is much larger than many in the area, all activities are proposed inside so as not to disturb surrounding properties. However, more information is needed to determine impacts on traffic, such as the time and frequency of truck deliveries.

The subject property is in the Highway Business future land use category of the Master Plan. This category is intended to accommodate retail, office, and service uses that are automobile-oriented. It is also intended to correspond with the C3 General Business zoning district. Provided the proposed use is found to align with the intent and purpose of the C3 zoning district, it can also be considered compatible with the Highway Business future land use category.

**Special Land Use Review Standards.** 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 applicant is proposing to construct a pre-engineered 17,604 square foot metal building, with a maximum height of about 38 feet. As discussed in Site Plan Review Standard A, the size and design of the proposed building in the C3 General Business district is much larger than many buildings in the C3 district. Its proposed design also appears more industrial than commercial in nature, and no landscaping is proposed. While the parcel's shape certainly limits the size and orientation of buildings and landscape areas on the site, we question whether the proposed building materials (steel paneling) and minimal screening are appropriate as proposed at this location. The Planning Commission should discuss whether the proposed design would change the intended character of the general vicinity at this location.

- 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 applicant has submitted a utility plan and included a stormwater basin to accommodate stormwater on the site. The Planning Commission may defer to the Lowell Area Fire Department for comments regarding emergency vehicle access and the Township Engineer regarding utility and stormwater accommodations for the proposed use. Additionally, a driveway permit will be needed from MDOT and may be included as a condition of approval.

- 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 additional excessive requirements at public cost for facilities and services. The applicant has proposed a commercial storage warehouse with an office. The floor plan indicates most of the area is dedicated to storage, with delivery and office areas. Subject to any concerns from the Township Engineer, 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 to store and disassemble equipment for recycling and reuse. The entire operation is proposed inside, with the majority of space dedicated to storage. The Planning Commission may discuss with the applicant whether any heavy machinery would be used to disassemble equipment to better understand any impacts of noise. Other activities such as smoke, fumes, glare, or odors are not expected.

Lastly, traffic should be further considered, as the site would accommodate large delivery trucks to ship and receive materials. Because a driveway easement is shared with adjacent properties, the timing and frequency of deliveries may impact traffic on adjacent sites. The Planning Commission may discuss proposed hours of operation with the applicant and the intended time and frequency of deliveries/shipments.

- 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.

**Commercial Storage Warehouse 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 commercial storage warehouses as listed in Section 17.04 N. These standards are listed below, along with our remarks on each.

- A. Minimum lot area shall be one (1) acre.

**Remarks:** The lot size is approximately 1.2 acres. This standard is met.

- B. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family dwelling in the R-2 District.

**Remarks:** The applicant is not proposing a residence, so this standard is not applicable.

- C. Parking and circulation:

- a. One (1) parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.
- b. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
- c. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent to the rental office, for the use of customers.
- d. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

**Remarks:** The applicant is not proposing any storage cubicles, so several of these provisions are not applicable. All areas for circulation or loading would be paved. The Planning Commission may find this standard met.

- D. A ten-foot-wide buffer strip along the side and rear lot lines shall be provided.

**Remarks:** No landscaping or screening is proposed on the site. While the parcel's shape makes landscaping somewhat difficult, landscaping could likely be accommodated in the rear yard and along portions of the side yards. The Planning Commission may address this with the applicant and include this as a condition of approval.

### **Recommendation**

At the April 12, 2021 public hearing, the Planning Commission should discuss the site plan, application, and carefully consider any comments from the public and the applicant. There are a few issues that, in our opinion, should be discussed and resolved before a decision is rendered. Those issues are listed below:

- **Parking and Circulation.** The site is short two required parking spaces and the proposed loading areas would block vehicle circulation on the site if a truck is at the dock. Large delivery trucks would also extend beyond parcel boundaries. Any agreements for circulation, parking, or use of the adjacent property should be submitted to the City. Additionally, the frequency and timing of truck deliveries may impact vehicle circulation on adjacent sites. Traffic and circulation should be further reviewed to ensure detrimental conditions are not created for surrounding properties.
- **Landscaping.** While the parcel is a unique shape, no landscaping or screening is proposed. Vegetation on the adjacent residential property may provide a sufficient buffer between uses, but additional landscaping is required on the side and rear property lines for all commercial warehouse uses. The Planning Commission should discuss whether landscaping should be required, and the extent of any needed landscaping or screening.
- **Compatibility.** The Planning Commission should discuss whether the proposed building size, height, and materials are compatible with the C3 General Business district and surrounding uses in this district. The building is much larger than most others in this district. Further, the building is solid metal paneling with no ornamentation or decorative materials proposed. This results in an appearance more industrial in nature than commercial. The Planning Commission should discuss the compatibility of the proposed use in terms of design, construction, operation, and maintenance in relation to the character of the area.

If the Planning Commission finds satisfactory conclusions to the above items, it may approve the application. If approved, 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 Lowell Area Fire Department, City's Department of Public Works, City Engineer, 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 continually comply with applicable ordinances, codes, and requirements of the City of Lowell.
5. The applicant shall submit all missing site plan items of Section 18.04 B and identified under Completeness of Submission, above, unless specially waived by the zoning enforcement officer.
6. The applicant shall comply with the landscape requirements of Section 4.26, including a buffer along the adjacent MHP Manufactured Home Park district and front yard landscaping.



7. Any additional exterior lighting shall comply with the lighting standards of Section 4.24 and 19.03 C of the Zoning Ordinance.
8. The applicant shall include parking space and maneuvering aisle dimensions on the site plan, which shall meet the dimensional requirements of Section 19.06 of the Zoning Ordinance.
9. The applicant shall submit copies of any agreements with the adjacent property owner for parking, maneuvering, or general use of the adjacent property.
10. Any signage shall comply with Chapter 20 of the Zoning Ordinance.
11. The applicant shall coordinate with MDOT for the driveway and submit a copy of any permits to the City.
12. A ten-foot-wide buffer strip shall be provided along the side and rear lot lines in accordance with Section 17.04 N(4) of the Zoning Ordinance. 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.

As always, please contact us if you have any questions.



Prepared For  
**FED Corporation**

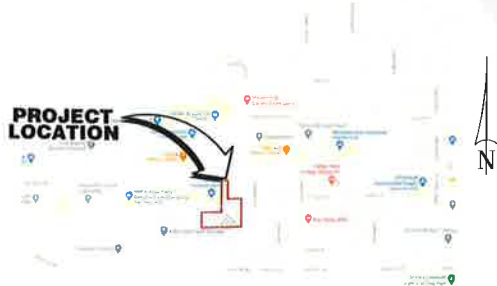
Section 17, T.3N., R.11E., City of Lowell, Kent County, Michigan

SITE ADDRESS: 2040 W. Main St., Lowell, MI 49331

**Property Description:**

Land in the City of Rochester Hills, Oakland County, MI, described as follows:

Part of the Northwest 1/4 of Section 17, Town 3 North, Range 11 East, Township of Avon (now City of Rochester Hills), Oakland County, Michigan, described as: Beginning at a point distant East 1144.60 feet from the Northwest section corner, thence South 280.00 feet; thence West 4.00 feet; thence South 130.00 feet; thence East 278.00 feet; thence North 150.00 feet; thence East 140.00 feet; thence North 260.00 feet; thence West 415.00 feet to the Point of Beginning. EXCEPT for the North 60 feet deeded for road, as disclosed by Quit Claim Deed recorded in Liber 6628, page 748, Oakland County Records.



**LOCATION MAP**  
N.T.S.

**Sheet Index:**

- C-1 Cover Sheet
- C-2 General Notes
- C-3 Existing Topographic Survey
- C-4 Demolition Plan
- C-5 Site Plan
- C-6 Site Details
- C-7 Landscaping Plan & Details
- C-8 Utility Plan
- C-9 Site Lighting / Photometric Plan
- C-10 Grading Plan
- C-11 Storm Water Management Plan
- C-12 Storm Water Management Calculations
- C-13 SESC Plan
- C-14 SESC Key
- C-15 Specifications
- C-16 Specifications

**Submission Table:**

October xx, 2020 Submit initial preliminary site plans to City of Lowell for their review.  
These plans are not to be used for construction.



PROJECT NUMBER: 1000017	DRAWN BY: S.E. Hall	SCALE: 1/4" = 1'
ENGINEER: Timothy L. Lerner, P.E., P.S., P.M.	DATE: October 10, 2020	SHEET: C-1
REVISIONS:		

**Cover Sheet**

Building Development  
2040 W. Main St., Lowell, MI 49331



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○ CONSTRUCTION  
○ FINAL RECORD

**C-1**

- 1. SOIL EROSION:** The DEVELOPER shall submit a detailed Soil Erosion and Sedimentation Control plan and obtain an Act 451 Part 91, Soil Erosion and Sedimentation Control permit. This includes the payment of fees and the providing of necessary bonds. No earth changes or excavation shall be started prior to the issuance of this permit. The DEVELOPER shall protect all existing and proposed storm sewer facilities on and adjacent to the site during excavation and construction. All sediment shall be contained on site. Any silt in county drains, storm sewer, culverts, etc. as a result of this project, shall be removed by the DEVELOPER at the cost of the DEVELOPER.
- 2. FLOOD PLAIN OR WETLAND CONSTRUCTION:** The DEVELOPER shall apply to the Michigan Department of Environment Great Lakes and Energy (EGLE) for a permit for the alteration and/or occupation of a flood plain or floodway, as required under PA 451. Evidence of this permit may be required prior to plan approval.
- 3. NPDES STORM WATER DISCHARGE PERMIT:** The owner of the property shall obtain a NPDES Storm Water Discharge permit for construction activities from EGLE as required under Public Act 451. The notice of coverage form shall be submitted with the Soil Erosion Control permit application. All EGLE fees shall accompany the Notice of Coverage.
- 4. ROAD COMMISSION PERMIT:** The DEVELOPER shall obtain a permit from the Road Commission to perform work within the county Right-of-Way. All fees for the permit, bonds and insurances are the responsibility of the developer.
- 5. MUNICIPALITY SANITARY SEWER AND WATER PERMIT:** Prior to the issuance of a building permit by the local municipality, the developer may be required to obtain a sanitary sewer and/or water tap-in permit from the owning municipality.
- 6. STATE CONSTRUCTION PERMITS:** The water main construction permits from the Michigan Department of Environment Great Lakes and Energy shall be submitted to the EGLE after approval local municipality. Construction shall not begin until these state permits are issued.
- 7. Utility Warning -** Underground locations as shown on the plans were obtained from utility owners, and were not field located. A minimum of three (3) working days prior to beginning construction, the contractor shall notify "MISS DIG" (800-482-7171) and have all underground utilities staked before any work may begin. The contractor shall be responsible for the protection and/or relocation of all utilities that may interfere with construction. Three (3) Working Days Before You DIG - Call MISS DIG (1-800-482-7171).

## BENCHMARKS

**Benchmark #1**  
Chiseled "X" in concrete light pole base in rear of building at  
2050 W Main St.  
Elev. = 530.27 NGVD 1988

## NRCS SOILS MAP



## PLAN LEGEND

- OVERHEAD ELECTRIC LINE
- BURIED GAS LINE
- SANITARY SEWER
- WATER MAIN
- UNDERGROUND TELEPHONE
- SANITARY MANHOLE
- STORM MANHOLE
- CATCH BASIN
- CURB INLET
- FIRE HYDRANT
- WATER VALVE
- LIGHT POLE
- STREET SIGN
- FENCE LINE
- UTILITY POLE
- FOUND CAPPED IRON
- FOUND 1/2" IRON
- BITUMINOUS PAVING
- CONCRETE PAVING OR WALKWAY
- R-S SYSTEM CORNER
- RECORDED AS IN TITLE DESCRIPTION
- PREVIOUSLY DESCRIBED
- MEASURED AS
- PROPOSED LIGHT POLE
- MONITORING WELL
- COMMUNICATIONS RISER

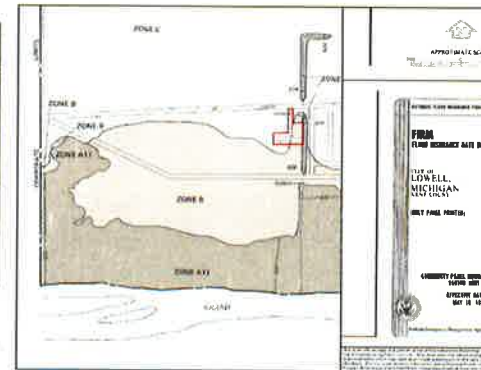
## ABBREVIATIONS

LIST OF ABBREVIATIONS	Definitions
A.C.	Alternating Current
A.P.C.	Adult Foster Care
ASPH.	Asphalt Paving
ASTM	American Society of Testing Materials
AWIS	American Welding Society
AWWA	American Waterworks Association
BLDG.	Building
CIP	Compacted in place
CL	Class
CONC.	Concrete
C.Y.d. or CYD	Cubic Yard
DR	Drainage
EA	Each
EJ	East Jordan Works
ELEV.	Elevation
EX	Existing
F.F.	Finish Floor
G.P.M.	Gallons Per Minute
I.D.	Inside Diameter
INV.	Invert
Lbs.	Pounds
LFT	Lineal Feet
L.S.	Lump Sum
Max.	Maximum
MDOT	Michigan Department of Transportation
MH	Manhole
Min.	Minimum
MUN	Municipality
No.	Number
NSF	National Sanitation Foundation
OSHA	Occupational Safety Health Administration
PSIGP	Pounds per square inch gauge
PVC	Polyvinyl Chloride
R.O.W. or RW	Right-of-Way
RAD.	Radius
RDR	Standard Dimension Ratio
SYD	Square Yard
T.D.H	Total Dynamic Head
V.L.F.	Vertical Lineal Feet
W.	Minutes of angles or Feet
W.	Seconds of angles or Inches
%	Percent
#	Pounds

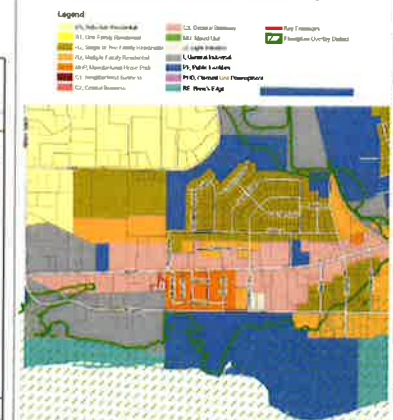
## WETLAND MAP



## FLOODZONE MAP



## ZONING MAP



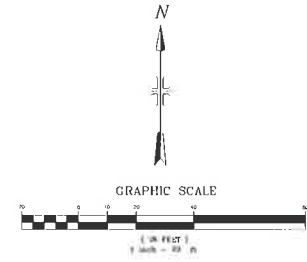
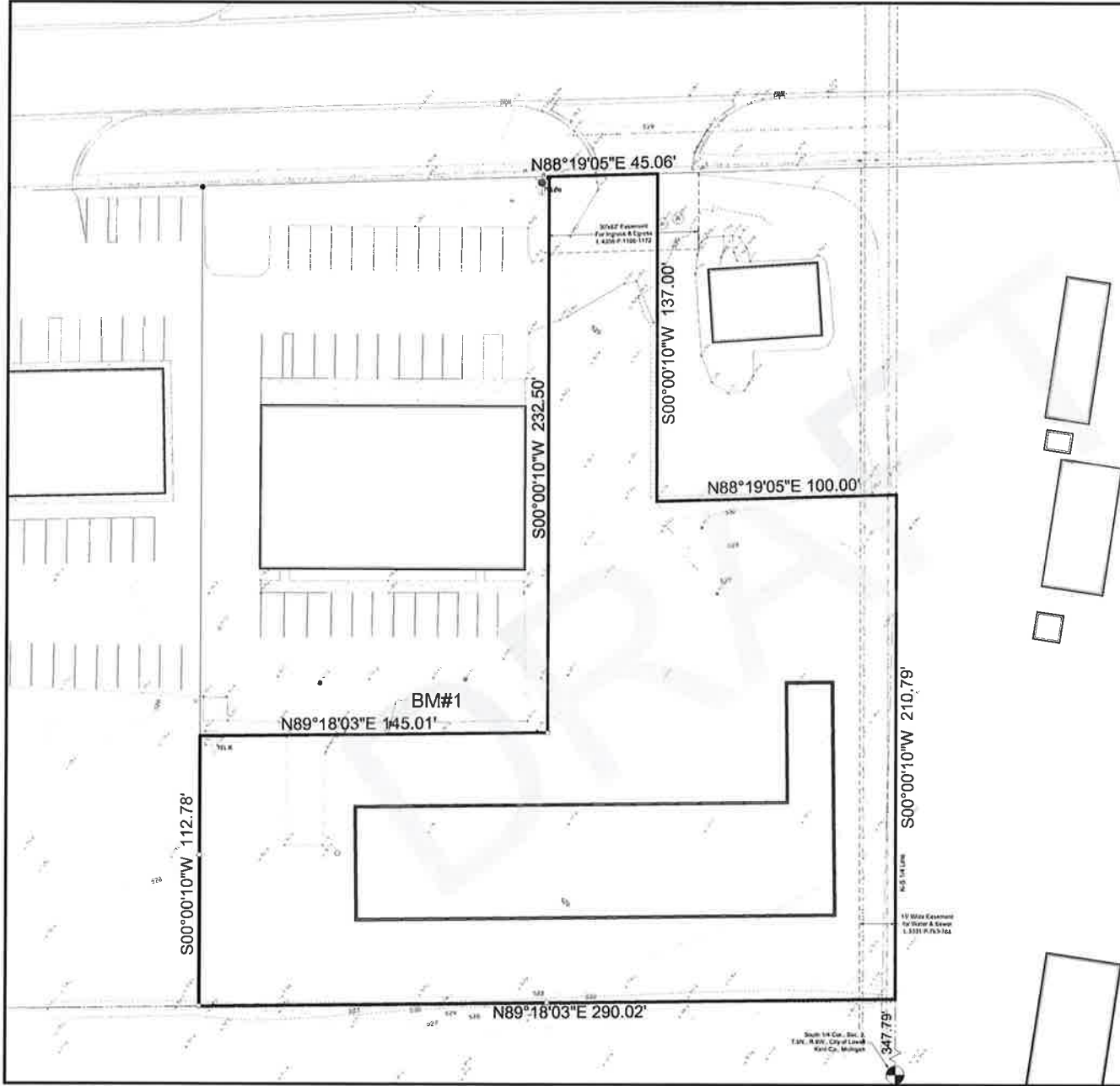
**General Notes**  
Building Development  
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C-2



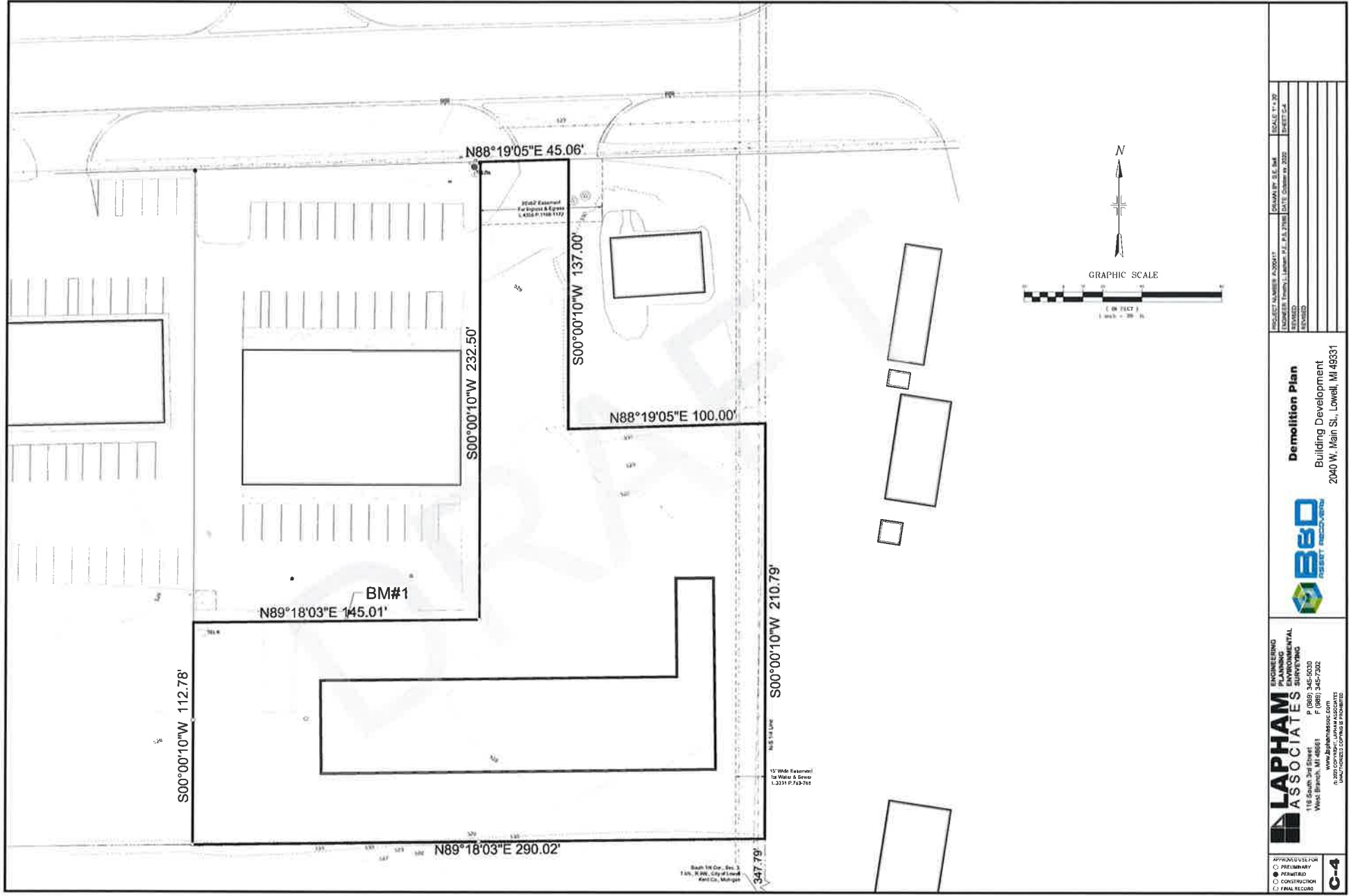
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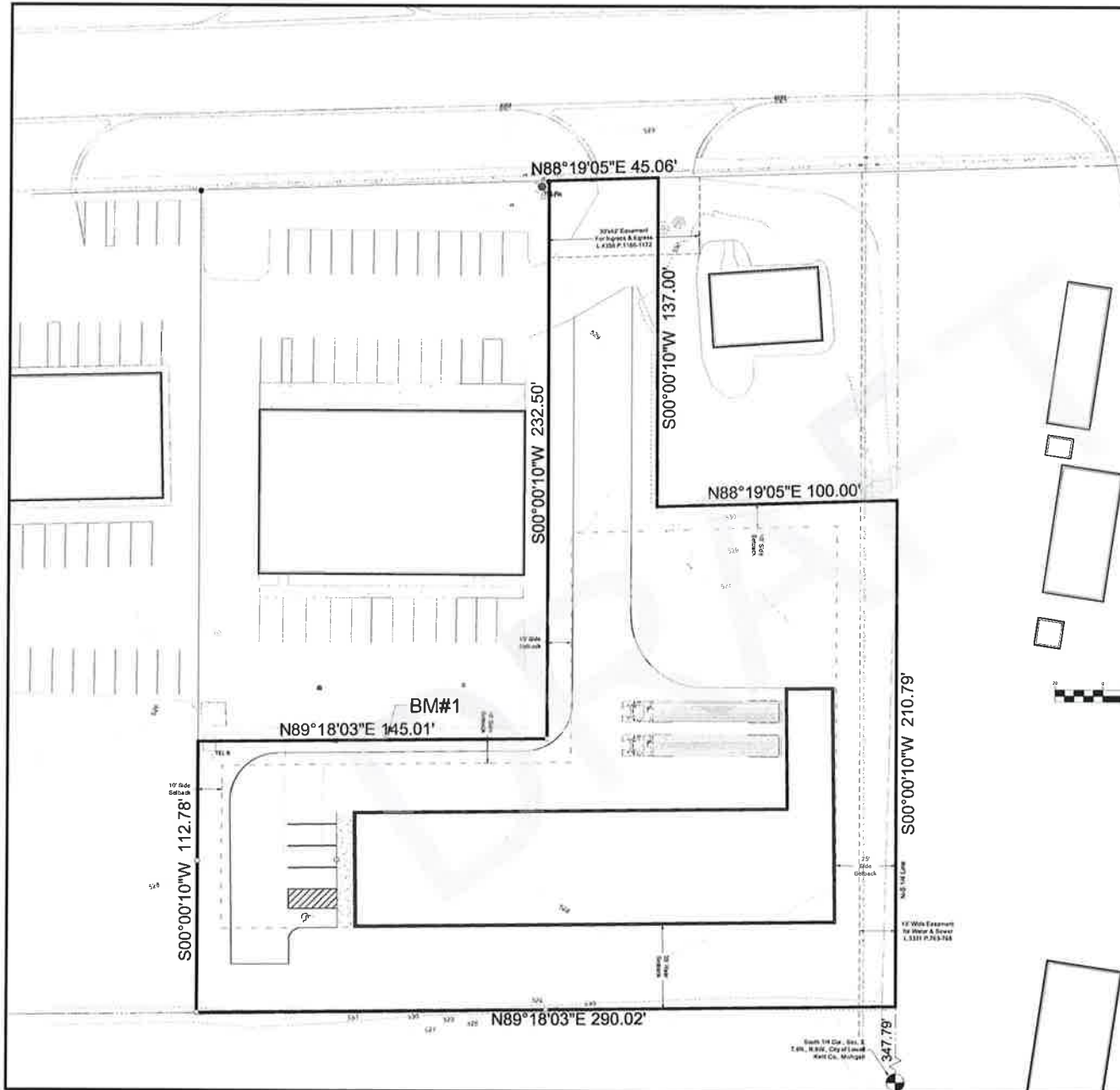
**B&D**  
 BUILDING DEVELOPMENT  
 2040 W. Main St., Lowell, MI 49331

PROJECT NUMBER: 2020017  
 DRAWN BY: S.E. Hall  
 CHECKED: Timothy L. Lapham, P.E. 3-2-2006  
 DATE: October 19, 2020  
 SHEET: C-3

**C-3**







## Site Plan Notes:

- These plans and specifications are subject to modification during construction when conditions develop that were not apparent during the design and preparation of these plans. All modifications must be approved by local jurisdiction prior to construction and/or implementation.
- In the event of any discrepancy between any drawing and the figures written thereon, the figures shall be taken as correct.
- Should it appear that the work to be done or any matter relative thereto is not sufficiently detailed or explained on these plans, the contractor shall contact the engineer for such further explanations as may be necessary.
- Before commencement of work, the contractor shall review all plans and specifications and the job site. The contractor shall notify the owner and the engineer of any discrepancies that may require modification to these plans or of any field conflicts.
- Contractor agrees that in accordance with generally accepted construction practices, the contractor will be required to assume sole and complete responsibility for job site conditions during the course of construction of the project, including safety of all persons and property. This requirement shall be made to apply continuously and not be limited to normal working hours.
- Contractor shall obtain all necessary permits prior to commencing construction involving right-of-ways, and for the construction, modification, or connection to facilities. All workmanship, equipment and materials shall conform to local jurisdiction standards and specifications.
- Where soil or geologic conditions encountered in grading operations are different from those generally anticipated, or where conditions warrant changes to the recommendations contained therein, a report of soil or geologic conditions shall be submitted along with proposed changes for approval and shall be accompanied by an engineer's opinion as to the safety of the site from the possibility of land slippage, settlement and seismic activity.
- Meet all current applicable ADA requirements for parking, signage, ramps, sidewalks, and warning notification on sidewalks approaching drives as required.



## Zoning Notes:

Developer: B&O Asset Recovery  
 Use: Warehouse / Office  
 Zoning: C-3 - "General Business District"  
 Setbacks:  
 Front Setback 35'  
 Side Setback 10' / 25' where adjacent to Residential  
 Rear Setback 35'  
 Lot Coverage: 60% maximum allowed

## Parking Calculations:

Sec 136-11.204 Table 14 requires 0.5 parking space per resident sleeping room.

83 resident sleeping room x 0.5 space =	42 spaces
Minimum required spaces =	42 spaces
TOTAL SPACES PROVIDED =	56 spaces

PROJECT NUMBER: 200001	DRAWN BY: E.E.M.	SCALE: 1" = 20'
ENGINEER: Timothy L. Jones, P.E., P.S., P.E.	DATE: October 10, 2020	SHEET: 04
REVISIONS:		
REVISION:		
REVISION:		

## Site Plan

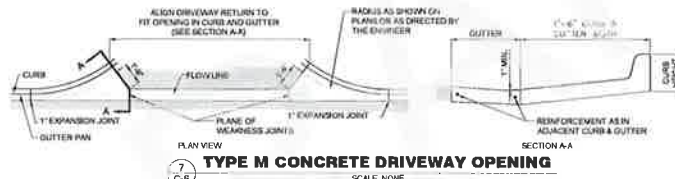
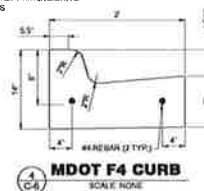
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 West Branch, MI 49881  
 P (888) 345-5000  
 F (888) 345-7202  
 www.laphamassoc.com  
 01/30/2020 02:00 PM  
 UNAPPROVED CONTRACT DOCUMENT

APPROVED USE FOR:  
☒ PRELIMINARY  
☐ PERMITTED  
☐ CONSTRUCTION  
☐ FINAL RECORD

**C-5**



2021				
Open Date	Close Date	Address	Name/Business	Subject
02/04/2021	02/04/2021	514 N. Monroe	Home Specialists	Remodel
03/30/2021	03/30/2021	1490 Sibley	Christian Hattis	Re-Roof