



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  
MONDAY, NOVEMBER 8, 2021 AT 7:00 P.M.  
UPSTAIRS – COUNCIL CHAMBERS

1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS
  - a. October 11, 2021 – Regular Meeting
4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
5. OLD BUSINESS
  - a. Public Hearing – 2335 W. Main - Special Land Use – Re-Application
6. NEW BUSINESS
7. STAFF REPORT
8. COMMISSIONERS REMARKS
9. ADJOURNMENT

**OFFICIAL PROCEEDINGS  
OF THE  
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE  
CITY OF LOWELL, MICHIGAN  
FOR THE REGULAR MEETING OF  
MONDAY, OCTOBER 11, 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, Amanda Schrauben, Michael Gadula, Dave Cadwallader, Collin Plank and Chair Bruce Barker.

Absent: Commissioner Marty Chambers.

Also Present: City Mayor Mike DeVore, Andy Moore with William & Works, Lowell City Clerk Sue Ullery, and City Attorney Tom Forshee.

**2. EXCUSE OF ABSENCES.**

IT WAS MOVED BY CADWALLADER and seconded by GADULA to excuse the absence of Commissioner Marty Chambers.

YES: 6.      NO: None.      ABSENT: Commissioner Chambers.      MOTION CARRIED.

**3. APPROVAL OF AGENDA.**

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

YES: 6.      NO: None.      ABSENT: Commissioner Chambers.      MOTION CARRIED.

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

IT WAS MOVED BY CADWALLADER and seconded by ELLIS to approve minutes of the September 13, 2021 Regular Meeting as written.

YES: 6.      NO: None.      ABSENT: Commissioner Chambers.      MOTION CARRIED.

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

There were no comments.

**6. OLD BUSINESS.**

a.) 805 E Main Street – Statement of Findings and Conclusions.

IT WAS MOVED BY BARKER and seconded by CADWALLADER that the Planning Commission adopt the Statement of Findings and Conclusions as prepared by the Secretary of the Planning Commission in addition to the record, the motion made and minutes from September 13, 2021.

b.) Public Hearing -2335 W. Main – Special Land Use – Re-Application.

Chair Barker opened up the Public Hearing.

Andrea Hendrick representing FSM Property Ventures LLC spoke stating nothing has changed except

hooking into the city water system. Also not going to demolish the storage building completely, just the portion that encroaches on the neighboring parcel to get in compliance.

Andy Moore then reviewed his memo explaining the reason for the re-application. The property was approved for a marihuana grow facility in July 2020. However, no construction activities have taken place on the site. Section 18.07A of the Zoning Ordinance provides a timeframe and if asked the planning commission can grant one six-month extension prior to the date of the expiration of the final site plan. The applicant did not seek an extension; thus, the July 2020 application is considered expired and thus invalid. The applicant has re-applied for site plan and special land use approval for the same use. The application is the same as was originally proposed; however, it is our understanding that the building will be utilizing a private septic system instead of connecting to City sewer services. A site plan was submitted to City offices recently, but we have not yet reviewed it. A public hearing has been scheduled for the October meeting. At the public hearing, the Commission should carefully consider comments from the applicant and the public. Because the site plan has not been reviewed in detail, the Commission may postpone a decision on the application until the November meeting. However, if the Commission is satisfied that the site plan is the same as what was previously approved, it may re-approve the application based on the factors originally considered in July 2020, with the same conditions.

Moore then reviewed the Site Plan Review Standards A through F from memo dated July 8, 2020.

IT WAS MOVED BY BARKER and seconded by CADWALLADER to accept that all the Site Plan Review Standards A through F have been met.

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

NO: None.

ABSENT: Commissioner Chambers.

MOTION CARRIED.

Moore then reviewed the Special Land Use Review Standards A through F.

IT WAS MOVED BY BARKER and seconded by ELLIS to accept that all the Special Land Use Review Standards A through F have been met.

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

NO: None.

ABSENT: Commissioner Chambers.

MOTION CARRIED.

Moore then reviewed the Adult Use Marihuana Established Special Land Use Standards B through M.

Commissioner Ellis inquired about what is going to be disposed of in the dumpsters.

Cody Newman helped answer the question on disposing of unused marihuana plants, stems, etc.

City Attorney Tom Forshee then asked what the sewer plan is for this site plan.

After more questions and discussion with some confusion, Moore suggested tabling until the site plan show if they want City sewer or not.

IT WAS MOVED BY BARKER and seconded by CADWALLADER to table the site plan for 2335 W. Main until November Planning Commission Meeting.

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

NO: None.

ABSENT: Commissioner Chambers.

MOTION CARRIED.

7. **NEW BUSINESS**

a.) **Public Hearing – 2384 W. Main – Special Land Use.**

Cody Newman representing Exclusive Brands LLC spoke regarding what they would like to do at 2384 West Main Street in Lowell.

Andy Moore with William & Works reviewed the background stating the subject property has an area of approximately 1.4 acres. The property is split zoned between the C3 General Business district and the I Industrial district, with most of the property in the C3 district. All site improvements proposed are also in the C3 district. An application was submitted in July 2021 to establish a marihuana retail establishment on this site, but was withdrawn before approval. The applicant has proposed a similar marihuana retail establishment, which involves the use of the existing building. By definition, “marihuana retailer” is a type of adult use marihuana establishment. Adult use marihuana establishments are permitted in the C3 and I districts only with special land use approval by the Planning Commission.

Neil Mills, owner of the property stated that MDOT required a drive to serve that entire strip of parcels and so the driveway entrance in front of Auto Zone serves that entire strip.

Moore then went through the Site Plan Review Standards A through F.

IT WAS MOVED BY BARKER and seconded by ELLIS to accept that all the Site Plan Review Standards A through F have been met.

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

NO: None.

ABSENT: Commissioner Chambers.

MOTION CARRIED.

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

IT WAS MOVED BY BARKER and seconded by ELLIS to accept that all the Special Land Use Standards A through F have been met.

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

NO: None.

ABSENT: Commissioner Chambers.

MOTION CARRIED.

Moore then reviewed the Adult Use Marihuana Establishment Special Land Use Standards B through M.

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

1. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
2. The applicant shall comply with any requirements from the City's Department of Public Works, City Engineer, Lowell Area Fire Department, City Police Department 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 all applicable ordinances, codes, and requirements of the City of Lowell.
5. Utility plans should be reviewed by the City DPW and all applicable permits from the Kent County Health Department, City, and/or other applicable agencies shall be obtained prior to occupancy.
6. The applicant shall all submit missing site plan items of Section 18.04 B and 17.04 FF, and identified above under Completeness of Submission, unless specifically waived by the Planning Commission or Zoning Enforcement Officer.
7. The applicant shall comply with all landscape standards of Section 4.26 of the Zoning Ordinance, unless specifically modified by the Planning Commission.
8. The applicant shall maintain a buffer between the subject property and adjacent residential use through existing vegetation or an equivalent buffer that meets the standards of Section 4.26 E (1) of the Zoning Ordinance.
9. Lighting shall not exceed an intensity of 0.5-foot candle at adjoining private property boundaries, in accordance with Section 4.24 E of the Zoning Ordinance.
10. The applicant shall update the site plan to include at least one van accessible parking space on the site that meets 2010 ADA Standards.
11. The applicant shall update the site plan designate one loading/unloading space that meets the requirements of Section 19.08 of the Zoning Ordinance.
12. The applicant shall receive a sign permit for any signage on the site in accordance with Chapter 20 of the Zoning Ordinance.
13. 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.
14. The applicant shall submit a copy of shared access agreements with Lake Michigan Credit Union (east) to allow access to the site through these properties.
15. All landscaping, buffers and/or greenbelts shall be continuously maintained to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
16. Upon request, the city shall have the right to examine, monitor, and audit the establishment's records and documentation that demonstrate that all cannabis or cannabis projects have been obtained from and are provided to other permitted and licensed cannabis operations.
17. The applicant shall install an activated air scrubbing and carbon filtration system in the building and maintain negative air pressure in the building, in accordance with Section 17.04 FF (5) (c) of the Zoning Ordinance.
18. Negative air pressure in the building shall be maintained at a ratio of 1:4 between the air intake (CFM) and the exhaust fan (CFM), a minimum negative pressure of 0.01" water column relative to the building exterior, or a minimum exhaust rate of 0.2 CFM per square foot floor area, in accordance with Section 17.04 FF (5) (c) of the Zoning Ordinance.

19. 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.
20. 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.
21. The security plan shall address the items outlined in our confidential memo dated October 8, 2021, and any other items identified by the City's law enforcement personnel.
22. In the event of any conflict, the terms of this approval are preempted and the controlling authority shall be the statutory regulations set forth by the MTRMA or the adopted Rules of Adult Use Marihuana Establishments, as amended, promulgated by LARA.
23. The applicant shall submit a revised site plan and landscape plan showing landscaping consistent in quantity and species to that of LMCU to the east. Parking along Main Street shall be relocated and/or shown as deferred parking on the site plan.

IT WAS MOVED BY BARKER and seconded by PLANK to approve Exclusive Brands LLC Special Land Use at 2384 West Main with the above 23 conditions met as listed.

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

NO: None.

ABSENT: Commissioner Chambers.

MOTION CARRIED.

8. **STAFF REPORT.**

City Clerk Sue Ullery stated Monday, October 25, 2021 at 7:00 pm, a combined meeting will be held between the City of Lowell, Vergennes Township and Lowell Township.

9. **COMMISSIONERS REMARKS.**

Commissioner Cadwallader inquired whether there is a zoning ordinance allowing a bow to be shot in the City, only at the river.

Commissioner Ellis inquired whether there was any word from EGLE on cleaning out the river.

Chair Barker reminded everyone to keep their packets from tonight to revisit at the November meeting for 2335 W. Main.

10. **ADJOURNMENT.**

IT WAS MOVED BY CADWALLADER and seconded by PLANK to adjourn at 8:44 p.m.

DATE:

APPROVED:

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Bruce Barker, Chair

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Susan Ullery, Lowell City Clerk

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## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** November 4, 2021  
**From:** Andy Moore, AICP  
**RE:** 2335 W. Main Special Land Use (re-application)

Five Lakes Farm, LLC, represented by Andrea Hendrick, has submitted an application for site plan review and special land use approval to construct an adult use marijuana establishment at 2335 W. Main Street (PPN 41-20-03-301-033). The subject property is located in the I Industrial District, where adult use marijuana establishments are only permitted by special land use. 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 has an area of approximately 3.1 acres and is within the I Industrial District. The I Industrial district is also adjacent to the west, the R3 Multiple Family Residential District is adjacent to the north, the PF Public Facilities district is adjacent to the east, and the C3 General Business district is across Main Street to the south.



The property was approved for a marijuana grow facility in July 2020. However, no construction activities have taken place on the site. Section 18.07A of the Zoning Ordinance provides as follows:

- A. Timeframe. Each development shall be under construction within one (1) year after the date of approval of the final site plan, except as noted below.
1. The planning commission may grant one (1) six (6) month extension of such time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the final site plan.
  2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.

3. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the final site plan approval shall be null and void.

If a site plan expires pursuant to subsection 18.07 A(3), above, no work may be undertaken until a new site plan has been approved by the planning commission or zoning enforcement officer pursuant to the standards of this chapter.

The applicant did not seek an extension; thus, the July 2020 application is considered expired and thus invalid. The applicant has re-applied for site plan and special land use approval for the same use. The application was discussed at the October 2021 meeting, but the matter was tabled due to two areas of uncertainty:

- (1) the site plan presented showed the project connected to public sewer facilities, despite the applicant's stated intent to utilize a private septic system, and
- (2) uncertainty concerning the city's sewer use ordinance, which requires connection to public sewer systems if such connections are available.

The applicant has submitted two revised site plans. One shows the connection to a public sewer system, and the other shows a connection to a private septic system and drainfield. Two site plans are presented because the applicant is seeking approval from EGLE for the septic system. If that septic system is not approved, then the plan utilizing sanitary sewer would be followed.

Regarding the sewer use ordinance, it requires connection to an available sanitary sewer system. An available sanitary sewer system is defined as "a sanitary sewer line of the system located in a right-of-way, easement, highway, street or public way which crosses and joins or abuts upon the property and passing not more than two hundred (200) feet from a structure in which sanitary sewage originates."

In this case, the structure that originates the sewage is more than 200 ft from the sewer that is on the easement. In addition, this easement does not abut the applicant's property; they would need an easement over the church property as well. Thus, according to the definition, there is no "available" sanitary sewer system, and the applicant is not required to connect to the public sewer system (though that option remains available to them). If the applicant receives all appropriate permits from EGLE and/or the Kent County Health Department, the site plan showing the use of a private septic system may be approved.

With the sewer issue clarified, the Planning Commission may review the plan in its entirety. There are no other changes to the site plan outside of the partial demolition of the northern portion of the storage building on the west side of the site, which does not impact zoning compliance. If desired, the Commission may rely upon and incorporate its original findings in approving the proposed site plan(s), subject to any additional conditions deemed necessary.

As always, feel free to contact us with any questions.



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## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** July 8, 2020  
**From:** Andy Moore, AICP  
Whitney Newberry  
**RE:** 2335 W. Main Special Land Use

Five Lakes Farm, LLC, represented by Andrea Hendrick, has submitted an application for site plan review and special land use approval to construct an adult use marijuana establishment at 2335 W. Main Street (PPN 41-20-03-301-033). The subject property is located in the I Industrial district, where adult use marijuana establishments are only permitted by special land use. 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 has an area of approximately 3.1 acres in the I Industrial district. The I Industrial district is also adjacent to the west, the R3 Multiple Family Residential district is adjacent to the north, the PF Public Facilities district is adjacent to the east, and the C3 General Business district is across Main Street to the south.

Currently, the subject property contains four existing buildings, one of which is proposed for the grow and processor facility. This main building is approximately 25,923 square feet. The other buildings have a combined area of approximately 3,300 square feet. The applicant is proposing to keep the site largely unaltered, but has proposed the following exterior modifications:

- Removal of a nonconforming storage building (approx. 1,400 sq. ft.) along the western property boundary;
- Removal of the east curb cut, in accordance with MDOT requirements;
- A privacy fence along the east property line; and
- Minor landscaping.



Two phases are proposed for the project. The first phase would involve the office renovation, northern growing area, and processing area. The second phase would increase grow space into the southeast arm of the building.

The applicant is proposing to establish an adult use recreational marihuana establishment that contains four Class C adult-use grow facilities and a processor operation. By definition, "marihuana grower" and "marihuana processor" are types of adult use marihuana establishments.

### **Completeness of Submission**

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

- **Existing and proposed transportation features, 18.04 B(j).** The site plan does not indicate the dimensions and radii of existing and proposed drives, curbing, and dimensions of a typical parking space. All other features required in this section are included.
- **Existing and proposed utilities, 18.04 B(n).** The size and location of all existing and proposed utilities, including connections to public sewer and water supply systems, are not shown on the site plan.
- **Drainage facilities, 18.04 B(o).** The site plan and land title survey do not include the location and size of all surface water drainage facilities. Catch basins are indicated in the W. Main Street right-of-way, but not in the subject property.
- **Existing and proposed topographic contours, 18.04 B(p).** Topographic contours are not included on the site plan or land title survey.
- **Cost Estimates, 18.04 B(r).** Estimates for all public improvements included as part of any performance guarantee if required.

The applicant is proposing to utilize an existing building and several items identified above may remain unchanged; however, the Planning Commission may still request their inclusion on the site plan to ensure compliance with applicable standards. In general, we find the application is sufficiently complete for review.

Section 17.04 FF (3) and (4) requires additional application and site plan materials to be submitted for adult use marihuana establishments. The applicant included all of the additional site plan materials, except a verification statement (Section 17.04 FF(3)(a)) and window calculations and descriptions of glass to be used (Section 17.04 FF(4)(e)).

## **SITE PLAN REVIEW**

**Setbacks and Dimensional Requirements.** The main building proposed as a marihuana grow facility does not meet rear and side yard setbacks required in Section 13.04. The western lot line abuts another industrial property, requiring a 20-foot side yard setback. The land title survey indicates the building is 18.3 feet from the western lot line at the nearest point. The rear property line abuts the R-3 Multiple Family Residential district, requiring a 50-foot rear yard setback. The land title survey indicates the building is 14.1 feet from the rear lot line at the nearest point. Because this is an existing building, it is legally nonconforming in regards to its location on the property.

Section 4.13 A(5) allows nonconforming buildings to receive ordinary repairs or “repair or replacement of walls, fixtures, wiring or plumbing” as long as the building is not altered or increased except in compliance with Section 4.13. Further, Section 4.13 A(7) allows a change in tenancy, ownership, or management of nonconforming buildings. The applicant is proposing no exterior alterations to building; however, as a grow facility, there may be enhancements to existing fixtures, such as electrical wiring, and the applicant has indicated interior renovation of the front office. The Planning Commission may discuss the extent to which the proposed use and associated modifications to the building would constitute ordinary repairs. Structures that are nonconforming by reason of area may be extended, enlarged, altered, remodeled, or modernized only when the conditions of Section 4.13 A(8) are met. The following are applicable to the subject property:

- a. The building or structure shall comply with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization.
- b. The zoning enforcement officer shall determine that such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure.

The site also contains an additional nonconforming building near the western lot line. The applicant has proposed to remove this building, thus eliminating its nonconformity.

**Site Development Requirements.** Section 13.04 A through E provides site development requirements. The applicant is not proposing any outdoor storage and parking is located more than 25 feet from the rear lot line. Landscaping is addressed below and odor is addressed under Adult Use Marihuana Establishment Special Land Use Standard (c). The Planning Commission may require continued compliance with site development standards as a condition of approval.

**Landscaping.** The applicant has proposed a 6-foot privacy fence along the east property line to screen the proposed use from the adjacent church. Additionally, the applicant is proposing to close the eastern curb cut and replace this area with grass and appropriate landscaping. Specific landscape materials were not submitted. The applicant is not proposing any changes to the parking lot, so parking lot landscaping is not required in Section 4.26 E(3).

Front yard landscaping is required in Section 4.26 E(2), with a minimum of one canopy tree and three deciduous shrubs for each 30 feet of lot width. The applicant's property frontage is 255.4 feet, equating to 8 canopy trees and 25 shrubs. The site has several existing trees, 11 of which are located in front of the main building. The existing landscaping meets the minimum front yard tree requirement; however, the number of shrubs are not indicated on the site plan.

Section 4.26 E(1) also requires a wall or wooden privacy fence between six and eight feet tall, or a landscaped buffer or berm at least partially comprised of evergreen trees, to provide screening between an industrial use and any residential zoning district. The applicant has provided a privacy fence along the eastern property boundary; however, because the R3 Residential district is adjacent to the subject property along the rear lot line, a buffer is required along this lot line as well. Currently, there are four pine trees of various sizes located along the rear lot line.

The Planning Commission may discuss the number of shrubs proposed for landscaping and screening along the rear property boundary with the applicant.

**Lighting.** The applicant is proposing 14 wall lights and three pole lights, all of which are fully cut-off and shielded. The applicant has submitted a photometric plan, which indicates that lighting will not exceed ½ foot candle along property boundaries, as required in Section 4.24 E(1). Additionally, all pole lights are proposed to be 20 feet above grade, in accordance with Section 19.03 C(1) for parking lot lighting adjacent to a residential district. The Planning Commission may find lighting requirements met.

**Parking.** The Ordinance requires one space for each 2,000 square feet of gross floor area for an industrial or manufacturing establishment, with additional spaces for any accessory uses and a minimum of five spaces. The applicant is proposing approximately 24,259 square feet of the building for industrial use and 1,664 for office use. This equates to 19 total spaces for industrial and office uses. The applicant is not proposing any changes to existing parking, which includes 32 existing spaces. Parking space dimensions were not provided; however, the land title survey states that these are regular parking spaces. The Planning Commission may find the parking requirement met.

Based on 32 parking spaces, two ADA barrier-free parking spaces are required, one of which is van accessible. These are not depicted on the site plan and the Planning Commission may address this requirement with the applicant.

Section 19.08 provides loading space requirements. Based on the building's gross floor area of approximately 25,923 square feet, one loading space is required. A review of aerial imagery and the applicant's site plan indicate two loading spaces on the site. However, the applicant's delivery protocol also indicates three overhead doors, which allow indoor access for loading/unloading of secure transport vehicles. Therefore, the applicant exceeds the number of loading/unloading spaces. Dimensions for loading/unloading spaces are not required when vehicles are brought indoors.

**Signage.** The site plan does not address signage. Compliance with Ordinance requirements may be addressed 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. 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 has not yet received a provisional license issued by the City of Lowell, but a completed application was included with the submittal. Therefore, the Planning Commission shall require a license from the City of Lowell as a condition of special land use approval.

**Consent.** The applicant submitted a proposed statement of consent to confirm that the property owner, 1313Keith LLC, consents to the items included in Section 17.04 FF(3)(b) of the Ordinance. This statement also includes consent to be governed by all applicable regulations, including Chapter 28. The statement of consent does not include the property owner's signature; rather, it appears to be a draft statement. As a condition of approval, the Planning Commission may require a signed and notarized copy to be submitted to the City.

**Site Plan Review Standards.** In order to approve a special land use, the Planning Commission must find that each of the standards listed in Section 18.06 would be met. Following are 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 proposed use is permitted as a special land use in the I district and would function as a marihuana grow and processor establishment. The previous use was a sports complex and warehouse. Other previous uses on the site included a tobacco retailer and an equipment rental business. The applicant is proposing to use the largest existing building for the marihuana establishment, demolish a non-conforming building, and retain the remaining two smaller buildings on the site. The proposed uses for the two smaller buildings are unknown, so the impact of their use is uncertain. However, the exterior of all remaining buildings would remain unaltered and the total impervious surface of the site would be reduced. The relationship of existing buildings to surrounding uses is expected to improve through the removal of the nonconforming building. Because the applicant is not proposing any other modifications to building exteriors, the site will retain a similar relationship to surrounding properties in terms of its development and the location of structures.

The nonconforming setback of the main building near the R3 Residential district may increase the intensity of the proposed use on this adjacent property due to the significant reduction in setback distance. Although the property is currently vacant, its potential for normal and orderly development or improvement should not be impeded by the

proposed use. However, because the main building is legally nonconforming, it is permitted to remain in the current location and receive ordinary repairs as long as it is not altered or increased except in compliance with Section 4.13 of the Ordinance. The Planning Commission may consider whether the proposed improvements would constitute ordinary repairs or whether they would alter, remodel, or modernize the building. If considered more than ordinary repairs, the applicant would have to comply with Section 4.13 A(8).

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

**Remarks:** The applicant is not proposing any changes to the existing vehicular and pedestrian circulation systems within the site, except for closing the east curb cut on W. Main Street. This curb cut would increase distance between the marihuana establishment and the adjacent church curb cuts. Using only the west curb cut would allow traffic to access the marihuana establishment by traveling essentially straight through the site. Access to the eastern side of the building would require traffic to circumvent an existing smaller building (1-story frame house).

Although the current layout appears capable of accommodating traffic to and from the establishment, directional signage or pavement markings may be beneficial to ensure orderly flow of traffic throughout the site. The width of maneuvering aisles is not indicated on the site plan; however, pavement west of the existing frame house is narrower than the pavement east of the house. It is likely that the west access aisle would only accommodate one-way traffic, while the east access aisle could accommodate two-way traffic. Maneuvering aisle widths must be 15 feet for one-way traffic and 24 feet for two-way traffic, in accordance with Section 19.06. The Planning Commission may address traffic circulation with the applicant to ensure clear and safe access is provided for traffic throughout the site. The Planning Commission may defer to the City Fire Department for comments regarding emergency vehicle access on the site. Modification of the curb cut will also require approval from MDOT.

Sidewalks exist along the W. Main Street right-of-way, along all sides of the southeastern portion of the main building, and from the blacktop to two office entrances. All access points to the building have a sidewalk connection. The Planning Commission may find sidewalk access adequate for the proposed use.

- 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 utilize the existing curb cut on West Main Street and remove the second existing curb cut to the east. MDOT has jurisdiction over driveway location and turning movements onto West Main Street. If a driveway permit is

issued by MDOT and removal of the curb cut is approved, the Planning Commission may find this standard met.

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

**Remarks:** Few modifications are proposed to the site's exterior. The applicant has not proposed the removal of any trees from the site. The applicant has also proposed additional landscaping to replace the second curb cut. Specific landscape details were not provided. See our general site plan review comments regarding landscape requirements. 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 I Industrial district is to provide industrial and related uses that serve the employment needs of City residents and protect residential areas from negative impacts often associated with more intense uses (Section 13.01). The establishment will employ 18 staff members after phase 1 and an additional 8 staff members after phase 2, totaling 26 employees. The I district would likely be the most suitable district for a growing and processing operation, due to intensity of the proposed use. However, the purpose of this district in Section 13.01 includes careful protection of residential areas in the City. Considering the R3 Residential district behind the subject property and the reduced setbacks of the legally nonconforming use, the Planning Commission may consider the impact of the industrial use to ensure the welfare of all surrounding areas is maintained in accordance with the purpose of the Industrial district.

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 Highway Business future land use category. This designation is intended for uses that accommodate automobile traffic, including retail, office, and service uses. It is also intended to correspond with regulations and land uses permitted in the C-3 General Business district; therefore, the plan envisions the business district expanding slightly west along W. Main Street to include the subject property.

**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 applicant is proposing few exterior modifications to the site. Those proposed would likely enhance the appearance of the site through the removal of a nonconforming building and closure of a curb cut along W. Main Street. These would reduce impervious surface on the site and increase landscaping. Additionally, the site plan states that all production and processing would occur within the fully enclosed facility. While one portion of the main building has a nonconforming setback along an R3 district property, this property is currently vacant and the building has no windows facing the parcel. Therefore, by occupying an existing building, the proposed use would not change the design of the buildings and their relationship to other structures on adjacent sites. It is expected that the appearance of the site would remain harmonious in relation to the intended character of the general vicinity.

The existing character of the area is a combination of industrial, commercial, residential, and institutional uses. The Planning Commission may discuss the extent to which the proposed use would impact the *essential* character of the area, as this property is located at somewhat of an intersection of several different zoning districts. Because the proposed use would be conducted entirely within an enclosed building, it is expected that it would not alter the essential character in terms of its visual impact.

However, the essential character of the area may also be considered in terms of the intensity of the proposed use in the general vicinity, as the property is adjacent to the R3 and PF districts to the north and east, which typically permit uses that would be more sensitive to an industrial facility. Adult use marihuana establishments, as allowed in the Ordinance, include several types of marihuana establishments which have different levels of intensity. Properties to the west and south of the subject property are already planned for marihuana retailers. Therefore, the presence of another marihuana establishment may be compatible with these neighboring marihuana uses, while also increasing the combined intensity of such uses within the surrounding area. The proposed hours of operation from 9:00 AM to 9:00 PM may also be considered in relation to uses in the general area. In accordance with this standard, the Planning Commission may consider what would constitute a change in the "essential" character of the area in order to ensure this is maintained through the establishment of the proposed industrial operation.

- 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:** Because the proposed use would occupy an existing building, essential public facilities are already present on the site. The applicant has stated in a narrative that public water and sewer connections are already present on the site. The applicant is not proposing any changes to the existing parking and has also stated that all stormwater is retained on-site through the current design. The removal of a curb cut is expected to improve traffic circulation and increase the buffer distance between the establishment's traffic and adjacent uses. This will also increase pedestrian safety along the property frontage.

As an operation with four Class C adult-use grow facilities and a processor, the facility is could have a much higher power and water consumption than the previous use, as the operation will likely involve ventilation, extensive lighting, exhaust fans, cooling/heating, and watering systems. The entire facility would have approximately 12,500 square feet of flowering rooms and 2,100 square feet of vegetation rooms. The site plan indicates that the electric service for the project is expected to be 480 volt, 3 phase, and approximately 2,000 amps (960 kilowatts). Therefore, the operation is expected to be energy-intensive. However, the site plan indicates that energy services are being coordinated with Lowell Light and Power and that they do not expect any "overbuilding." As a condition of approval, the Planning Commission may require that the applicant receive approval from and comply with any requirements of Lowell Light and Power. The Planning Commission may also defer to the City Fire Department, City Police Department, and City Engineer for additional comments regarding other site utility and service requirements.

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

**Remarks:** The site plan indicates that energy consumption of the proposed use is not expected to result in "overbuilding" of Lowell Light and Power. As a condition of approval, the Planning Commission may require that the applicant receive approval from and comply with any requirements of Lowell Light and Power.

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

**Remarks:** The proposed use would be located entirely inside the existing building, which is expected to help mitigate impacts from noise and odors. The applicant has stated in a narrative that on-site consumption is not permitted and smoke or fumes are not anticipated. The product would be transferred in secured containers when leaving

the facility, mitigating the potential for odor while products are loaded. The site plan also indicates that odors will be controlled through activated charcoal filter systems and by negative air pressure in the building. Excessive customer traffic is not expected on the site, as the applicant is not proposing a retail operation. The Planning Commission may find this standard met.

- F. The proposed special land use shall comply with all applicable federal, state, and local requirements, and copies of all applicable permits shall be submitted to the City.

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

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

- b. Separation distances. The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of the land used for the purposes stated in this subsection to the nearest property line of the parcel used as a marihuana establishment. The following minimum-distancing regulations shall apply to all marihuana establishments. A marihuana establishment shall not be located within:
- i. 1,000 feet of a preschool or child care center, whether or not it is within the city of Lowell;
  - ii. 1,000 feet of a public or private K-12 school, whether or not it is within the city of Lowell;
  - iii. 500 feet of a property within the C-2, Central Business District as illustrated on the City of Lowell Zoning Map.
- iv. Exception. The requirements above do not apply if the marihuana establishment was lawfully established prior to the location of an establishment or zoning district specified in items i - iii above.

**Remarks:** The applicant submitted a sensitive use map with buffers depicting a 1,000-foot radius around the subject property. There are no schools or childcare facilities within either buffer around the proposed location and no new child care centers registered with the Michigan Department of Regulatory Affairs. The Planning Commission may find this standard met.

- c. Odors. The marihuana establishment shall be designed to provide sufficient odor-absorbing ventilation and exhaust systems so that any odor generated inside the establishment is not detected outside the building in which it operates, on adjacent public rights-of-way, private road easements, or within other units located within the

same building as the establishment if it occupies only a portion of the building. Odors must be controlled and eliminated by the following methods:

- i. The building must be equipped with an activated air scrubbing and carbon filtration system that eliminates all odors prior to leaving the building. Fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
- ii. Air scrubbing and filtration systems must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendation 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 site plan states that any odors in air exhausted outside will pass through an activated charcoal filter system and that negative air pressure will be maintained inside the building, in accordance with the above requirements. Standard HVAC systems are proposed in office areas, typical corridors, and other "standard" spaces. However, air exhausted from these spaces will still pass through the activated charcoal filters. Individual HVAC systems are proposed for each grow and vegetation room, totaling six units for phase 1. Grow areas will have grade-mounted packaged heating and cooling units, which will each have a charcoal filtration section as necessary. These measures of odor mitigation are expected to sufficiently eliminate any odor generated from the site. The Planning Commission may find this standard met.

- 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 has submitted an operation plan that details the storage, destruction, and disposal of marihuana waste. Any recalled product would be immediately removed from salable inventory and kept separate from salable products.

Destruction and disposal of products would occur in accordance with the MRTMA Emergency Rules. The applicant proposes to use a translucent container to allow visualization of the shredder's effectiveness during destruction and keep records in a statewide monitoring system (METRC).

The locations for waste destruction and dumpster enclosure are not indicated on the site plan. Therefore, it is unknown if a waste receptacle will be located outside and whether there will be methods for screening and security. The Planning Commission may address secure disposal with the applicant.

- 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 proposing six grow rooms in phase 1, which will require energy usage and heat in excess of a typical residential use. As a condition of approval, the Planning Commission may require the facility to be subject to inspection and approval by the Fire Department to ensure compliance with applicable fire codes.

The applicant is proposing the use of chemicals in the hydrocarbon extraction facility. The site plan states that all flammable products would be stored according to the Michigan Administrative Code. Bleach and pesticides are proposed for storage in the supplies closet, which would have a commercial grade, nonresidential lock. Storage of chemicals will be regulated by the MRTMA Emergency Rules. The Operation Plan also indicates that all hazardous waste would be managed pursuant to the Natural Resources and Environmental Protection Act (Part 111 of 1994 PA 451).

- 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 MTRMA 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:** The applicant has proposed a privacy fence along the eastern property boundary to help screen the use from the adjacent church property. Other uses along W. Main Street are generally commercial in nature and there are several trees already on the property. Provided other landscape standards are met, the Planning Commission may find the site landscaping adequate.

- 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 use the statewide monitoring system METRC to record marihuana waste and identify product recalls. As a condition of approval, the Planning Commission may require the City to have the right to examine, monitor, and audit such records and documentation, which shall be made available to the City upon request.

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

- 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 July 13 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 site plan and special land use. 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.

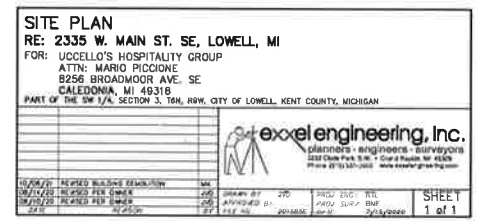
2. The applicant shall comply with any requirements from the City's Department of Public Works, City Engineer, City Fire Department, City Police Department, or other City officials.
3. The proposed special land use shall comply with all applicable federal, state, and local requirements, and copies of all applicable permits shall be submitted to the City, including approval from MDOT and Lowell Light and Power
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 continually comply with all site development requirements in Section 13.04 A-E of the Zoning Ordinance.
9. The applicant shall comply with all landscape and screening requirements of Section 4.26, unless specifically waived by the Planning Commission.
10. 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.
11. The applicant shall provide two ADA barrier free parking spaces, one of which is van accessible, on the site.
12. 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.
13. The security plan shall address the items outlined in our confidential memo dated June 24, 2020.
14. The applicant shall submit a signed and notarized copy of the statement of consent to the City.
15. The applicant shall receive approval from and comply with any requirements of MDOT and Lowell Light and Power.
16. Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.

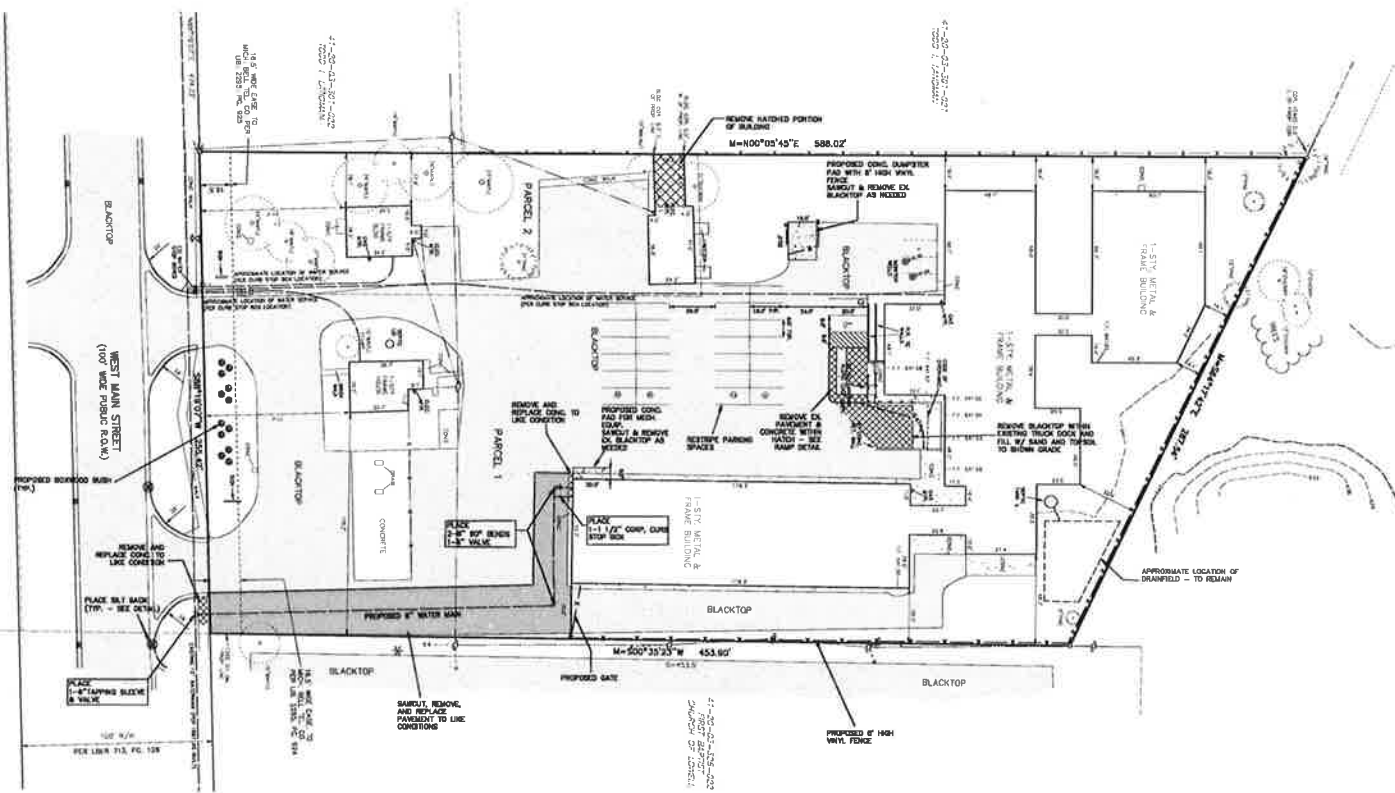
17. An MDOT driveway permit shall be obtained prior to occupancy.
18. The planning commission may require a cross access easement between the subject property and neighboring properties to the east and west.
19. A trash enclosure, if provided, shall be secure and locked at all times.
20. Any fuel, fertilizer, 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 and be subject to inspection and approval by the Fire Department to ensure compliance with applicable fire codes.
21. The marihuana establishment shall not also sell alcoholic beverages or tobacco products.
22. The marihuana establishment shall comply at all times and in all circumstances with the MTRMA and applicable Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.
23. 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.
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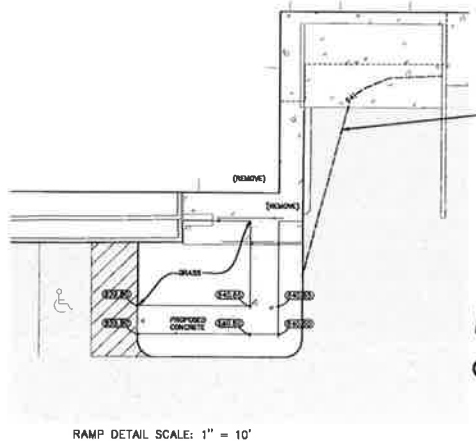
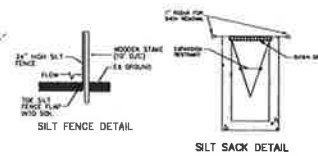
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21. The marihuana establishment shall comply at all times and in all circumstances with the MRTMA and applicable Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.
22. The owner and/or licensee shall maintain clear and adequate 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.
23. 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.
24. 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.



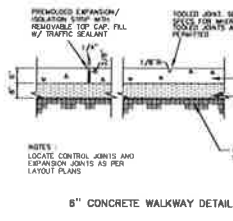
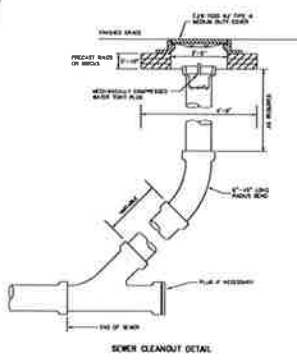


- GENERAL NOTES:
1. PARCEL PROPERTY NUMBER - 41-20-03-301-033
  2. EXISTING ZONING DISTRICT - 1 (GENERAL INDUSTRIAL)
  3. TOTAL SITE ACREAGE = 3.08 ACRES (INCLUDING R.O.W.)
  4. REQUIRED ZONING REQUIREMENTS (1) SETBACKS
    - A. FRONT YARD - 50'
    - B. REAR YARD - 25' (ADJACENT TO NON-RESIDENTIAL)
    - C. SIDE YARD - 50' (ADJACENT TO RESIDENTIAL)
    - D. SIDE YARD - 20' (ADJACENT TO NON-RESIDENTIAL)
    - E. SIDE YARD - 50' (ADJACENT TO RESIDENTIAL)
- MINIMUM LOT WIDTH = 100'  
MINIMUM LOT SIZE = 20,000 SQUARE FEET

- SOIL EROSION CONTROL NOTES:**
1. TOTAL AREA OF DISTURBANCE = 0.31 ACRES
  2. ALL SOIL EROSION CONTROL MEASURES ARE TO BE IN PLACE PRIOR TO THE START OF ANY GRADING.
  3. INSPECT AND MAINTAIN ALL TEMPORARY SOIL EROSION CONTROLS AFTER EACH SIGNIFICANT RAINFALL AND UNTIL THE SITE HAS BEEN PERMANENTLY STABILIZED.
  4. ALL NON-PAVED SURFACES SHALL BE TOPSOILED WITH MINIMUM OF 4" TOPSOIL AND SEEDED.
  5. PROTECT ALL NEW YARD DRAINS WITH 18" SILT FENCE UNTIL YARD IS STABILIZED (SEE DETAIL).
  6. PROTECT PROPOSED CATCH BASINS WITH SILT SACKS UNTIL PAVING BEGINS.
  7. PLACE SILT FENCE AS SHOWN ON PLAN (SEE DETAIL).
  8. PLACE SILT SACKS AS SHOWN.



RAMP DETAIL SCALE: 1" = 10'



- 1" CONTOUR INTERVAL  
SCALE: 1" = 30'
- LEGEND**
- UTILITY POLE & GUY WIRE
  - LIGHT POLE
  - SEWER
  - WATER
  - WALKWAY
  - CATCH BASIN
  - MANHOLE
  - BURIED GAS LINE MARKER
  - TELEPHONE BOX
  - FENCE LINE
  - OVERHEAD WIRES
  - EXISTING CONTOUR
  - PROPOSED CONTOUR
  - EXISTING SPOT ELEVATION
  - PROPOSED SPOT ELEVATION

**PARCEL 1**  
That part of the Southwest 1/4 of Section 3, Town 6 North, Range 9 West, City of Lowell, Kent County, Michigan, described as: Commencing at a point which is 1070 feet East of the West line of said section, and 294 feet North of the North line of Highway M-21, thence East parallel to the North line of Highway M-21, 75 feet; thence South parallel to the West section line 264 feet; thence East parallel to the North line of Highway M-21, 100.7 feet to the intersection of a line which runs from a point being 1335 feet West of the South 1/4 corner of said Section in a point being 1347 feet East of the West 1/4 corner of said section, thence North along said line and described line 453.5 feet to a point being 1350 feet East of the West line of said section, and thence East parallel to the North line of said highway 75 feet; thence South parallel to the West section line 264 feet to the place of beginning.

**PARCEL 2**  
That part of the Southwest 1/4 of Section 3, Town 6 North, Range 9 West, City of Lowell, Kent County, Michigan, described as: Commencing on the North line of said Township M-21, at a point 1040 feet East of the East line of Alden Road, thence East parallel to the North line of said section, and 294 feet North of the North line of Highway M-21, 75 feet; thence South parallel to the West section line 264 feet to the place of beginning.

**SITE PLAN**  
RE: 2335 W. MAIN ST. SE, LOWELL, MI  
FOR: UCCELLO'S HOSPITALITY GROUP  
ATTN: MARIO PICCIONE  
8256 BROADMOOR AVE. SE  
CALESONIA, MI 49316  
PART OF THE SW 1/4, SECTION 3, TOWN 6 NORTH, RANGE 9 WEST, CITY OF LOWELL, KENT COUNTY, MICHIGAN

**excel engineering, Inc.**  
planners - engineers - surveyors  
10000 E. HAWTHORNE AVE. SUITE 100  
ANN ARBOR, MI 48106  
PHONE (734) 991-1111 FAX (734) 991-1112  
WWW.EXCEL-ENG.COM

DESIGNED BY	DATE	PROJECT NO.	BY
DRAWN BY	DATE	PROJECT NO.	BY
CHECKED BY	DATE	PROJECT NO.	BY
APPROVED BY	DATE	PROJECT NO.	BY

**SHEET 1 of 1**

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
03/16/2021	07/01/2021	510 Kent	Matt Garrison	New Home
04/08/2021	04/13/2021	318 E. Main	BGR Investments	Fence
04/21/2021	04/27/2021	226 S. Jefferson	Donald Lasby	Addition
04/22/2021	04/28/2021	418 N. Jefferson	Patty Story	Fence
05/04/2021	05/04/2021	1401 W. Main	Rite Aid	Updated Signs
06/03/2021	06/03/2021	781 Foreman	Mark Batchelor	Fence
06/04/2021	06/09/2021	151 N. Center	Paula Rittersdorf	Deck
06/08/2021	06/08/2021	2420 Gee Drive	Lori Gerard	Deck
06/09/2021	06/10/2021	804 Riverside	Taylor Bonga	Fence
06/01/2021	06/11/2021	206 S. Division	Noah Trulock	Fence
06/29/2021	06/29/2021	257 Donna	Elizabeth Sparks	Re-Roof
07/08/2021	07/08/2021	2601 W. Main	Mercantile Bank	Interior Remodel
07/20/2021	07/20/2021	820 N. Jefferson	Craig Kalman	Garage
07/22/2021	07/22/2021	716 N. Monroe	Matt Collins	Fence
07/20/2021	07/28/2021	820 N. Jefferson	Victor/Karrie Scudder	Accessory Building
07/29/2021	07/29/2021	96 W. Main	Scott Brown	Inside Remodel
07/29/2021	07/29/2021	2601 W. Main	Mercantile Bank	Inside Remodel
08/09/2021	08/10/2021	1510 Carol Lynne	Jack/Nancy Rutledge	Back Entry Enclosure
08/19/2021	08/19/2021	301 Elizabeth Dean	Tyler Dykhous	Garage
09/21/2021	09/21/2021	508 W. Main	Anthony Lawrence	Remodel
10/21/2021	10/22/2021	218 E. Main	Steve Cornwell	Remodel