



301 East Main Street  
Lowell, Michigan 49331  
Phone (616) 897-8457  
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PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE  
CITY OF LOWELL, MICHIGAN  
AGENDA

FOR THE REGULAR MEETING OF  
MONDAY, MAY 13, 2019 AT 7:00 P.M.

AT THE  
LOWELL CITY HALL  
CITY COUNCIL CHAMBERS  
SECOND FLOOR  
301 EAST MAIN STREET

1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS
  - a. April 8, 2019 – Regular Meeting
4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA.

IF YOU WISH TO ADDRESS AN AGENDA ITEM, PUBLIC COMMENT FOR EACH ITEM WILL OCCUR AFTER THE INITIAL INFORMATION IS SHARED ON THE MATTER AND INITIAL DELIBERATIONS BY THE PUBLIC BODY. PUBLIC COMMENT WILL OCCUR BEFORE A VOTE ON THE AGENDA ITEM OCCURS.

5. OLD BUSINESS
  - a. Airbnb – John Baar – 2179 Gee Drive
  - b. Recreational Marijuana - Ordinance Discussion
6. NEW BUSINESS
  - a. 2560 Bowes – Site Plan Review
  - b. Discussion of Acceptable Building Materials
7. STAFF REPORT
  - a. Discussion on projects
8. COMMISSIONERS REMARKS
9. ADJOURNMENT

**OFFICIAL PROCEEDINGS  
OF THE  
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE  
CITY OF LOWELL, MICHIGAN  
FOR THE REGULAR MEETING OF  
MONDAY, APRIL 08, 2019 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 David Cadwallader, Amanda Schrauben, Marty Chambers, Colin Plank, Tony Ellis and Chair Bruce Barker.

Absent: Commissioner Kelly Breimayer,

Also Present: Andy Moore with William & Works, Clerk Sue Ullery and City Manager Michael Burns.

It was noted that Kelly Breimayer turned in her resignation.

**2. APPROVAL OF AGENDA.**

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

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

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

IT WAS MOVED BY CADWALLADER and seconded by PLANK to approve the minutes of the March 11, 2019 regular meeting as written.

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

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

There were no comments.

**5. OLD BUSINESS.**

**a. Recreational Marijuana – Ordinance Discussion.**

Andy Moore with Williams & Works went through and reviewed his first draft of the Recreational Marihuana Ordinance. He asked Commissioners to keep in mind, this is not the entire regulatory structure of how the city is going to deal with this. This will be a two-part process for permitting and licensing. The City Council will approve a licensing ordinance which covers the operational business aspects of recreational marihuana establishments and then this ordinance would control the zoning, vocational aspects of it, so this is not intended to be an all-encompassing ordinance that covers every single thing that needs to be addressed. Moore also noted there are some unanswered questions that will need input by the Planning Commission.

Brad Klousner from Eureka Township spoke in favor of the Recreational Marijuana and thanked the Commissioners for being so open in discussion.

Casey Kornolelje who resides at 10191 Lincoln Lake Rd. in Greenville asked what would be considered for the hours of operation and suggested specific items for the Commissioners to consider in the ordinance.

Moore stated he will provide an updated ordinance and updated maps after their discussion today at the May Planning Commission meeting.

City Manager Michael Burns asked the Planning Commission about the utility building that Lowell Township is applying to build on their 2560 Bowes Road property and whether it needs to go before the Planning Commission or can it be administratively approved. The Planning Commission agreed to put them on the agenda for an upcoming meeting and allow the fees to be waived.

6. **NEW BUSINESS.**

There was none.

7. **STAFF REPORT.**

There were no reports.

8. **COMMISSIONERS REMARKS.**

There were no remarks.

9. **ADJOURNMENT.**

IT WAS MOVED BY CADWALLADER and seconded by PLANK to adjourn at 8:17 p.m.

DATE:

APPROVED:

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Bruce Barker, Chair

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Amy Brown, Deputy Clerk

Dear Planning Commission,

Item 15 on our Special Land Use approval was that my permit be reviewed annually and that I attend the May 2019 Planning commission meeting. I would like to address how the past year went with the rules set forth in our approval.

The year has gone great. As per item 6 of the approval, I have emailed the fire department and the police department every Sunday with any guest stays within the following 2 weeks. As per item 8 on the approval, I have put up the appropriate signage with the property address, 24-hour phone number, maximum occupancy, and all rules in relation to the ordinance. As per item 14, I immediately updated the sites where I have the home listed with the guest limit of 10 and a specific note on the listing that, "THIS IS NOT A PARTY HOUSE. The home is in a residential neighborhood. Vulgar language and excessive noise (especially after 9:00 PM) is not tolerated."

I have met every other item on the Special Land Use approval.

Additionally, and not part of our approval stipulations, I have installed outdoor noise monitors and signage indicating that the volume needs to be at a reasonable level after 9pm. The noise monitors alert me if the decibel level reaches above that of a regular conversation after 9pm. The expectation of keeping the volume down is also expressed in our welcome email, on-site welcome book and the rental agreement. I also had a privacy fence installed to assure we meet item 10 of the approval (however the fence itself was not required).

Unfortunately, it seems I have a neighbor who is very concerned with how I use my property. This "concern" has resulted in them coming onto my property and speaking with my guests about the number of cars in the driveway (6 at the time). This incident occurred on Memorial Day weekend of 2018. After trespassing and disturbing my guests, they involved the police. When the police arrived, they were not concerned as it was a holiday weekend in the middle of the day and there was not a noise issue. My brother, Robb, was in town, so he went to the neighbor to apologize and hear their concerns. Nobody answered the door (however they had just called the police) and there were 6 cars in their own driveway.

The police were also called by the same neighbors on May 5<sup>th</sup> of 2019. These particular guests had asked my permission to have a small get-together after their son's wedding. I let them know about the noise policy and they agreed to keep the volume down after 9pm. Evidently, for this get-together, there were 8 or 9 cars in the driveway. Soon after the police left, there were only 4 cars left. This was not late at night, nobody was outside to make any noise, and all of the cars were easily contained in the driveway.

Because of how my property is situated, you would have to be on my land in order to see how many cars were in the driveway. I understand limiting the number of cars for the visual nuisance this can pose, but this is not applicable to my home. It is

disrespectful for my neighbors to continue coming onto my property because they are overly concerned with the cars in my driveway. Additionally, it is a waste of public resources for them to bother the police with such trivial things.

Also of note is that there have been no other incidents at my property all year.

With all of this being said, I would like to request to increase the limit of cars allowed on my property to 8. The garage and driveway have more than enough room to accommodate 8 vehicles.

I really appreciate the opportunity you have provided me to continue to rent out my home when I am out of town, and in turn support the economy of Lowell.

Sincerely,

John Baar  
2179 Gee Drive,  
Lowell, MI 49331

## Sue Ullery

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**From:** Steve Bukala  
**Sent:** Thursday, May 09, 2019 12:01 PM  
**To:** Sue Ullery  
**Cc:** Mike Burns; moore@williams-works.com  
**Subject:** RE: John Baar - Airbnb

We did not cite anything on Mr. Baar or his guests. It appears the neighbor in question has a problem with trespassing on other peoples property. It is to the point where another neighbor had to install trail cams on her property to keep this neighbor from knocking down and throwing her no trespassing signs. (we are going to arrest for trespassing if he's caught on the trail cams).

Chief Steven Bukala  
Lowell Police Department  
(616)897-7120 Desk  
(616)897-7123 Dispatch

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**From:** Sue Ullery <sullery@ci.lowell.mi.us>  
**Sent:** Thursday, May 09, 2019 11:30 AM  
**To:** Steve Bukala <sbukala@ci.lowell.mi.us>  
**Cc:** Mike Burns <mburns@ci.lowell.mi.us>; moore@williams-works.com  
**Subject:** FW: John Baar - Airbnb  
**Importance:** High

Steve,

Attached is a letter from John Baar who has the Airbnb on Gee Drive. The special land use needs to be reviewed again by the PC. The letter indicates the police were called a couple times. Andy is wondering if the police came to the same conclusion as Mr. Barr (that there were no violations).

Susan Ullery, CMMC  
Lowell City Clerk  
Phone: 616-897-8457

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**From:** Moore, Andrew [<mailto:Moore@williams-works.com>]  
**Sent:** Thursday, May 09, 2019 11:24 AM  
**To:** Sue Ullery <sullery@ci.lowell.mi.us>  
**Cc:** Mike Burns <mburns@ci.lowell.mi.us>  
**Subject:** RE: John Baar - Airbnb

Thanks. regarding the complaints, are there police reports? Since they were out there a couple times, I would like to know if they came to the same conclusion that Mr. Barr (that there were no violations).

AM

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**From:** Sue Ullery [<mailto:sullery@ci.lowell.mi.us>]  
**Sent:** Thursday, May 09, 2019 11:01 AM  
**To:** Moore, Andrew <[Moore@williams-works.com](mailto:Moore@williams-works.com)>

**Cc:** Mike Burns <[mburns@ci.lowell.mi.us](mailto:mburns@ci.lowell.mi.us)>

**Subject:** John Baar - Airbnb

Good morning,

I am forwarding the attached letter for you to see what I will include in the PC agenda packet. I will add this to the agenda under "old business".

Thanks,

Sue



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

**City of Lowell  
Special Land Use  
2179 Gee Drive  
Site Plan No. 04-18**

Owner: John Baar  
2179 Gee Drive  
Lowell, MI 49331

Applicant: John Baar  
2179 Gee Drive  
Lowell, MI 49331

At a meeting of the Lowell City Planning Commission on May 14, 2018 an application for a special land use to operate a short-term rental operation at your property located at 2179 Gee Drive was approved with the following conditions noted below.

1. No demolition or earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.
2. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
3. The applicant shall maintain all required state, federal, and local permits and approvals.
4. The applicant shall comply with the stipulations of the City Fire Department and any other applicable emergency personnel regarding emergency access to the new structure.
5. The site shall not accommodate more than 10 guests at a time. A maximum of five parking spaces shall be provided, and such spaces shall be located in a manner acceptable to the police and fire departments.
6. The applicant shall notify, in writing, the Lowell Area Fire Department and Lowell Police Departments of the dates and number of guests for each unique stay.
7. The applicant shall provide the City with a 24-hour telephone number with which the host or host's agent can be reached in case of emergency and/or enforcement matters.
8. The applicant shall provide an in-unit notice in conspicuous place that includes the property address, a 24-hour telephone number with which the host or host's agent can be reached, all applicable rules and ordinances related to the short-term rental, and the maximum occupancy of the dwelling unit as permitted by this subsection.
9. The short-term rental shall be conducted in a manner that is consistent with the customary use of a single-family dwelling. The unit shall provide safe, reasonable, and adequate sleeping arrangements in traditional bedrooms with proper egress or as consistent with law. The use of campers, tents, or similar arrangements to provide additional occupancy on the premises is prohibited.



10. Occupants shall not encroach on neighboring properties.
11. The applicant shall provide sufficient waste receptacles substantially screened from view; and the premises shall be maintained free of debris and unwholesome substances. Garbage must be kept in a closed container and disposed of on a regular weekly schedule.
12. The appearance of the short-term rental shall not conflict with the residential character of the neighborhood. The dwelling shall be properly maintained per all applicable local and state codes, and kept in good repair so that the use in no way detracts from the general appearance of the neighborhood.
13. The applicant or his agent shall be available to accept telephone calls at all times that the short-term rental is rented. The host or host's agent must have a key to the unit and be capable of being physically present at the unit within 60 minutes to address issues unless arrangement are made for a substitute person to address issues within the same timeframe.
14. Update property websites to reflect the Lowell City ordinance.
15. The Special Land Use will be reviewed annually. The applicant will return to the May 2019 Planning Commission meeting.



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Michael Burns  
City Manager

# williams&works

engineers | surveyors | planners

## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** May 6, 2019  
**From:** Andy Moore, AICP  
Whitney Newberry  
**RE:** **Recreational Marihuana Draft Ordinance**

Based on our discussion at the April 8<sup>th</sup> Planning Commission meeting, the following pages present a revised draft of special land use provisions and related amendments to the zoning ordinance intended to regulate recreational marihuana establishments in the city. The amendment focuses on issues related to zoning and land use, such as required information, building design, odor control, lighting, etc. It does not attempt to provide any guidance with regard to the number of marihuana facilities that would be permitted in the city, the types of facilities desired, or criteria for choosing among several applicants. Those issues should be addressed by the City Council in a licensing ordinance, and therefore are not within the purview of this proposed amendment.

Please carefully review the updated regulations on the following pages and be prepared to discuss them at the May 13 meeting. Items that have been updated are as follows:

- A 500-foot isolation radius has been added around all properties within the C-2 zoning district.
- Additional restrictions on marihuana signage have not been proposed.
- Marihuana establishments are limited to the following zoning districts: C-3, IL, I, and RE.
- Modifications to the odor and security regulations have been made, based on the last meeting.
- Additional language has been added to avoid future potential conflicts with LARA regulations.

We look forward to discussing this draft with you on May 13. As always, please feel free to contact us with any questions.

**Definitions.** The following definitions would be included in Chapter 2 of the Zoning Ordinance.

**Section 2.10, “Definitions - I”**

**Industrial hemp.** A plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.

**Section 2.14, “Definitions - M”**

**Marihuana.** All parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this ordinance, marihuana does not include:

- A. the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
- B. industrial hemp; or
- C. any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

**Marihuana accessories.** Any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

**Marihuana concentrate.** The resin extracted from any part of the plant of the genus cannabis.

**Marihuana establishment.** A marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the city.

**Marihuana grower.** A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

**Marihuana-infused product.** A topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

**Marihuana Licensee.** A person holding a valid license for a recreational marihuana facility issued by the State of Michigan.

**Marihuana microbusiness.** A person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

**Marihuana processor.** A person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

**Marihuana retailer.** a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

**Marihuana secure transporter.** A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

**Marihuana safety compliance facility.** A person licensed to test marihuana, including certification for potency and the presence of contaminants.

**Amendments to Zoning Districts.** The following chapters would be amended to allow a recreational marihuana establishment as a special land use: Chapter 12, C-3 – General Business District; Chapter 12A, I-L Light Industrial District; Chapter 13, I – Industrial District; and Chapter 14A, River’s Edge District.

**Amendment to Special Land Uses.** Section 17.04, “Site Design Standards” of Chapter 17, “Special Land Uses” would be amended to include a new subsection FF. This may read as follows:

**FF. Recreational Marihuana Establishment**

1. **Purpose and Intent.** The purpose of this section is to protect the public health, safety, and welfare, protect neighborhood character, minimize negative community impacts, and enact effective regulatory and enforcement controls through minimum land use requirements for marihuana establishments in the city of Lowell. Marihuana establishments, as defined pursuant to Section 3 (h) of the Michigan Regulation and Taxation of Marihuana Act, include a marihuana grower, safety compliance facility, processor, microbusiness, retailer, or a secure transporter.
2. **License Required.**
  - a. In addition to the special land use permit required by this section, a license issued by the city of Lowell pursuant to Chapter \_\_\_\_ of the city of Lowell Code of Ordinances shall be required prior to the approval of any marihuana establishment in the city of Lowell, along with any other licenses or permits required by any other federal, state, or local agency having jurisdiction.
  - b. The issuance of a special land use permit pursuant to this section does not create an exception, defense, or immunity to any person in regard to any potential civil or criminal liability.

- c. It shall be unlawful for any person to operate a marijuana establishment in the city without obtaining a license to operate pursuant to the requirements of Chapter \_\_\_\_ of the city of Lowell Code of Ordinances, and a special land use permit pursuant to the requirements of this section.
  - d. A separate special land use permit shall be required for each specific business and for each geographic location.
- 3. Application Requirements. An application for a marihuana establishment special land use shall be accompanied by a site plan pursuant to Section 18.05, along with any additional information necessary to describe the proposed establishment. At a minimum, the following materials shall be submitted as part of an application, in addition to the Site Plan Review application requirements of Section 18.05.
  - a. Verification. A signed statement by the applicant indicating the proposed facility type.
  - b. Consent. A notarized statement by the property owner that acknowledges use of the property for a marihuana establishment and agreement to indemnify, defend and hold harmless the city, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising out of, or in connection to, the operation of a marihuana establishment. Written consent shall also include approval of the owner and operator for the city to inspect the facility at any time during normal business hours to ensure compliance with applicable laws and regulations.
  - c. State License. A copy of official paperwork issued by the State of Michigan Department of Licensing and Regulatory Affairs (LARA) indicating that the applicant has successfully completed the application for a state operating license. Copies of all documents submitted to LARA in connection with the initial license application, subsequent renewal applications, or investigations conducted by LARA shall be provided to the city.
- 4. Additional Site Plan Requirements. In addition to the site plan requirements in Section 18.04, the following information shall also be submitted:
  - a. A map, drawn to scale, containing all preschools and K-12 public or private schools near the proposed marihuana establishment location and a 1,000-foot isolation radius drawn around the proposed location to show an appropriate setback distance.
  - b. A narrative describing how the enclosed areas with marihuana have been secured and how permitted individuals will be given access.
  - c. A detailed security plan that addresses several measures of security at the marihuana establishment, such as surveillance methods, access control strategies, maintenance, the licensee's closing procedures after the cessation of business each day, and safety for customers, employees, and neighbors.
  - d. 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.

- e. Existing and proposed building elevations, including building materials, window calculations, descriptions of glass to be used, and other pertinent information that describes building construction or structural alterations.
  - f. A floor plan of the marihuana establishment detailing the locations of the following:
    - i. All entrances and exits to the establishment;
    - ii. The location of any windows, skylights, and roof hatches;
    - iii. The location of all cameras, and their field of view;
    - iv. The location of all alarm inputs (door contacts, motion detectors, duress/hold up devices) and alarm sirens;
    - v. The location of the digital video recorder and alarm control panel, including the location of the off-site storage or network service provider for storage of the required copies of surveillance recordings; and
    - vi. Restricted and public areas.
  - g. The applicant's procedures for accepting delivery of marihuana at the establishment, including procedures for how and where it is received, where it is stored, and how the transaction is recorded.
5. General Provisions. Recreational marihuana establishments shall be subject to the following requirements:
- a. Security.
    - i. All marihuana and marihuana accessories shall be located within an enclosed, locked area, inaccessible on all sides and equipped with locks that permit access only by the licensed operator or their employees, agents of LARA, law enforcement officers, emergency personnel, and other authorized individuals, as reviewed and approved by the city.
    - ii. Marihuana establishments shall use commercial-grade, nonresidential door locks on all points of entry and exit to the permitted premises.
    - iii. Security cameras are required to be installed and operated in marihuana establishments 24 hours per day, 365 days per year, and shall be directed to record only the subject property. Required security cameras may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the State of Michigan.
  - 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 point of establishment on 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;

- ii. 1,000 feet of a public or private K-12 school;
- iii. 500 feet of property within the C-2, Central Business District.

Exception. The requirements above do not apply if the marihuana establishment was lawfully established prior to the location of a facility or zoning district specified in items i - iii above.

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



- e. 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 insure 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.
- f. A marihuana establishment shall not be operated from a business which also sells alcoholic beverages or tobacco products.
- g. No drive-through facilities shall be permitted.
- h. The marihuana establishment shall comply at all times and in all circumstances with the Michigan Regulation and Taxation of Marihuana Act and the Administrative Rules promulgated by the Michigan Department of Licensing and Regulatory Affairs.
- i. The Planning Commission may require additional landscape buffers or screening beyond what is required in Section 4.26 of the Zoning Ordinance.
- j. 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.
- k. 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.
- l. 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 rules adopted by the Board (Michigan Department of Licensing and Regulatory Affairs, "LARA" or "Department") to implement, administer, or enforce the MRTMA.

6. Effect of Permit.

- a. A special land use permit for a marihuana establishment is valid only for the location identified on the license and cannot be transferred to another location within the city without a new application.
- b. A special land use permit does not prohibit prosecution by the federal government of its laws or prosecution by state authorities for violations of the act or other violations not protected by the Michigan Regulation and Taxation of Marihuana Act.
- c. Compliance with city ordinances and state statutes is a condition of maintenance of a special land use permit, and a license may be suspended or revoked pursuant to section 17.02(L) if such ordinances and statutes are violated.



- d. Nothing contained herein is intended to limit the city's ability to prosecute code violations that may have been the cause of the suspension or any other code violations not protected by this the Michigan Regulation and Taxation of Marihuana Act.
7. Violations. Failure to comply with the requirements of this Section shall be considered a violation of the zoning ordinance.
- a. Request for revocation of state operating license. If at any time an authorized facility violates this Chapter or any other applicable city ordinance, the city may request that LARA revoke or refrain from renewing the facility's state operating license.
  - b. Revocation of Special Land Use approval. Any approval granted for a facility may be revoked or suspended automatically for either of the following reasons:
    - i. Revocation or suspension of the licensee's authorization to operate by LARA.
    - ii. A finding by LARA that a rule or regulation has been violated by the licensee. After an automatic revocation of a Special Land Use approval, a new Special Land Use application shall be required for a facility to commence operation at the same location.
    - iii. Other violations of the zoning ordinance, special land use permit, or conditions imposed thereon by the Planning Commission.



City of Lowell, Michigan

## Marihuana Facilities - Eligible Properties

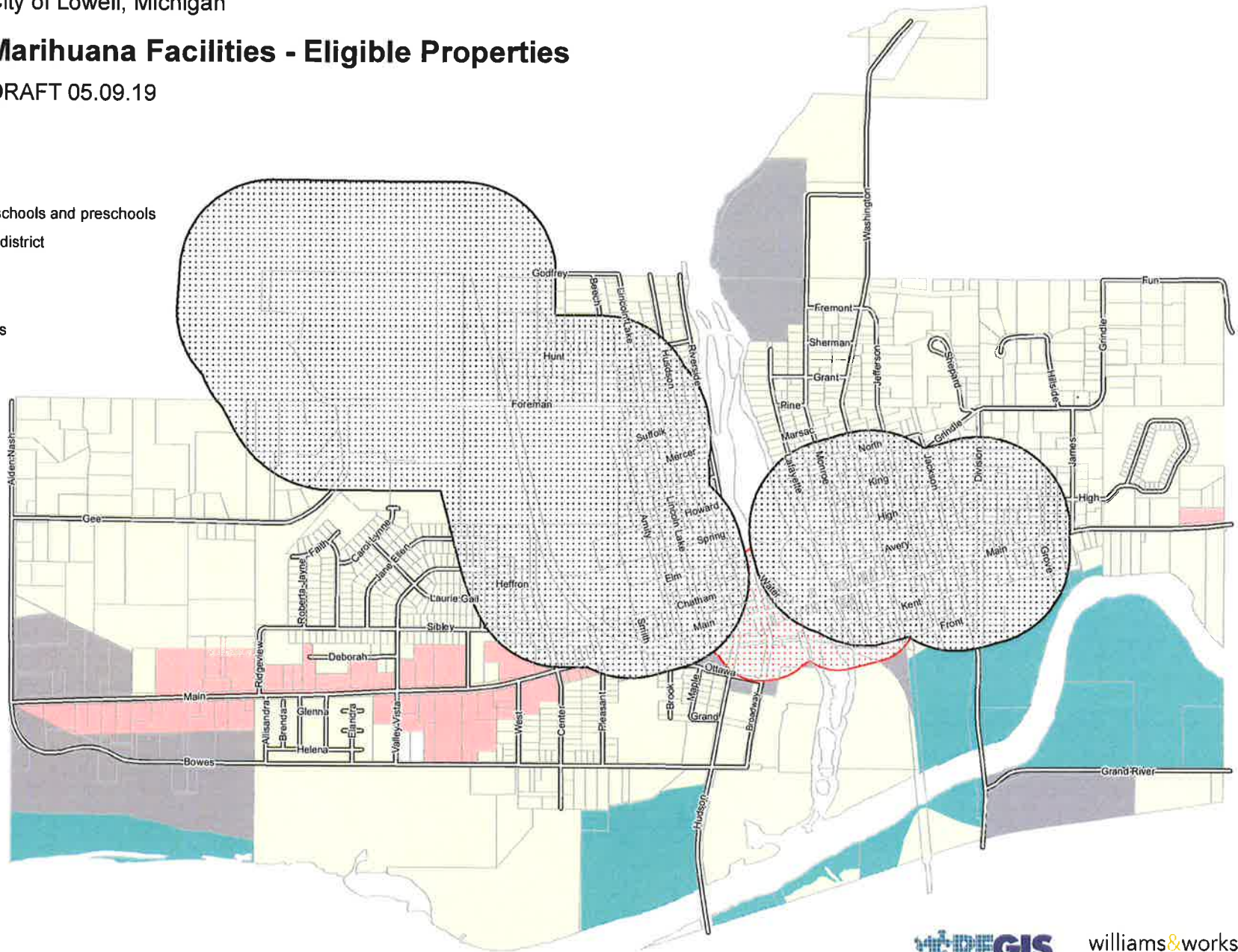
DRAFT 05.09.19

### Legend

- 1,000 ft radius from schools and preschools
- 500' radius from C-2 district

### Zoning Districts

- Ineligible districts
- C3, General Business
- MU, Mixed Use
- LI, Light Industrial
- I, General Industrial
- RE, River's Edge



1 inch = 1,500 feet

0 750 1,500 3,000 Feet



williams&works  
engineers surveyors planners

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# williams&works

engineers | surveyors | planners

## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** May 9, 2019  
**From:** Andy Moore, AICP  
**RE:** **2560 Bowes Road – Site Plan Review**

Richard Anderson Builders has requested approval of a small a small utility building located at 2560 Bowes Road. The subject property (PPN 41-20-03-371-004) has an irregular shape with an area of approximately 0.39 acres and is currently zoned I, Industrial. As you know, the property is within the PF Public Facilities district. The building would be used jointly by Lowell Township and Vergennes Broadband. The Zoning Ordinance requires that all buildings and uses except for single-family and two-family residences (and related uses) are subject to site plan review. Due to the quasi-public nature of the facility, there was some debate whether or not site plan review by the Planning Commission was needed. At the previous meeting, the Commission asserted its desire to review the project.

### Site Plan Review

Dimensional Requirements. The lot has an unusual shape and is located on the west side of Bowes Road, just south of Main Street. The building would be located in the southern portion of the property within a utility easement. All applicable setbacks and other dimensional requirements would be met.

Lighting. Lighting is not proposed.

Parking. Parking is not shown on the site plan. There is a parking lot on the Township property to the west, which could also service this building. This should be clarified.

Landscaping. Landscaping is not proposed. The Commission should discuss if any landscaping or screening is needed on the site.

Access. Access is not shown on the site plan. Primary access to the property would likely be derived from the park to the west. It is unclear if any direct vehicular access to the building itself is needed.

### Site Plan Review Standards

Section 18.09 of the Zoning Ordinance sets forth six standards that must be utilized by the Planning Commission in reviewing site plans. Those standards, along with our remarks, are below:

- A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, size

of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.

Remarks: The proposed building is small (12'x24') and will have little to no impact on the above factors.

- 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: It is unclear if vehicular access to the building is needed. Sidewalks are not present in the area, and it is unlikely that there will be much pedestrian traffic in this area.

- 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: Public or private vehicular and pedestrian connections to area streets are not proposed.

- 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: Significant natural features will likely not be impacted by this building. There are no known significant natural features on this property.

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

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

Remarks: The Master Plan indicates that the subject property is within the "industrial" Future Land Use designation. While not specifically addressed, a small utility building to serve a public park and private utility company is likely within the realm of industrial uses that would be considered consistent with the Master Plan.

### **Recommendation**

At the May 13 meeting, the Planning Commission should discuss the site and consider comments from the applicant and public, if any. Subject to those comments, the Planning Commission may approve the site plan. If approved, we suggest the following conditions be included, along with any others deemed necessary:

1. No demolition or earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.
2. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
3. The Planning Commission may require landscaping on the site, if desired.
4. If any lighting is desired, the applicant shall submit lighting details to be reviewed and approved by the City Zoning Enforcement Officer.
5. The applicant shall comply with any requirements from the City's Department of Public Works, City Engineer, or other City officials.





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

### ZONING APPLICATION

Application must be filled out completely and must be approved before a permit will be issued.

An application fee of \$25, payable to the City of Lowell is due when the application is turned in.

**Paying the application fee does not grant approval.**

- 1) Applicant RICHARD ANDERSON BUILDERS 2) Phone (616) 292-3551  
3) Address 2560 BOWES ST PP# 41-20-03-371-004  
4) Type of Building POLE BARN STORAGE BUILDING  
5) Dimensions 12 ft wide by 24 ft long by 8 ft tall  
6) Please sketch a site diagram on the back of the application showing the following

- Dimensions of the lot and acreage (all sides)
- Location, with distance to lot lines, of all existing and proposed structures
- Dimensions and square footage of all existing and proposed structures
- Distance between all existing structures
- Location of all roads bordering or on the property
- Location of any power and gas lines on the property.
- Location of any lakes, rivers, streams, or wetlands on or near the property
- Location of any easements on the property.
- A north arrow indication the direction of north

7) Are you in a flood plain district? NO Historical district? NO

Applicant Signature [Signature] Date 4 / 3 / 19

- **Permit is not valid unless Zoning Admin has signed and marked approved. Call City of Lowell at 616-897-8457 for an inspection when project is completed.**

**Do not write below this line**

**EXEMPT FROM BUILDING PERMIT:** ☐

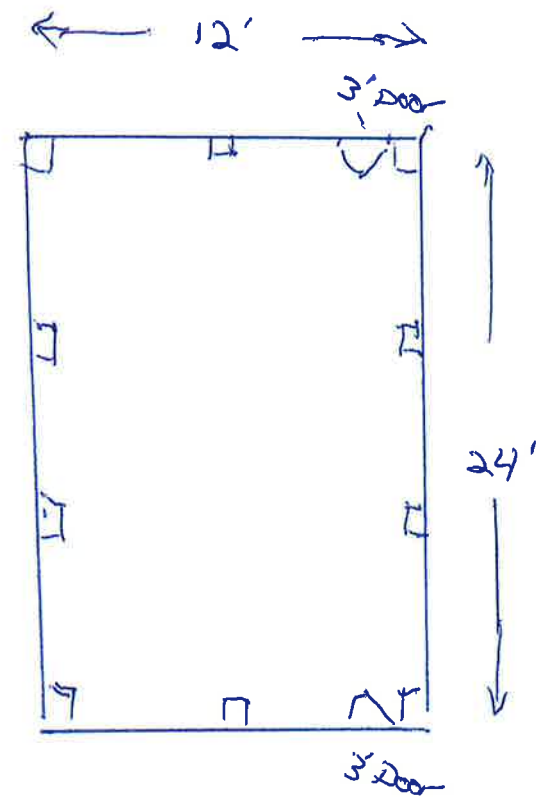
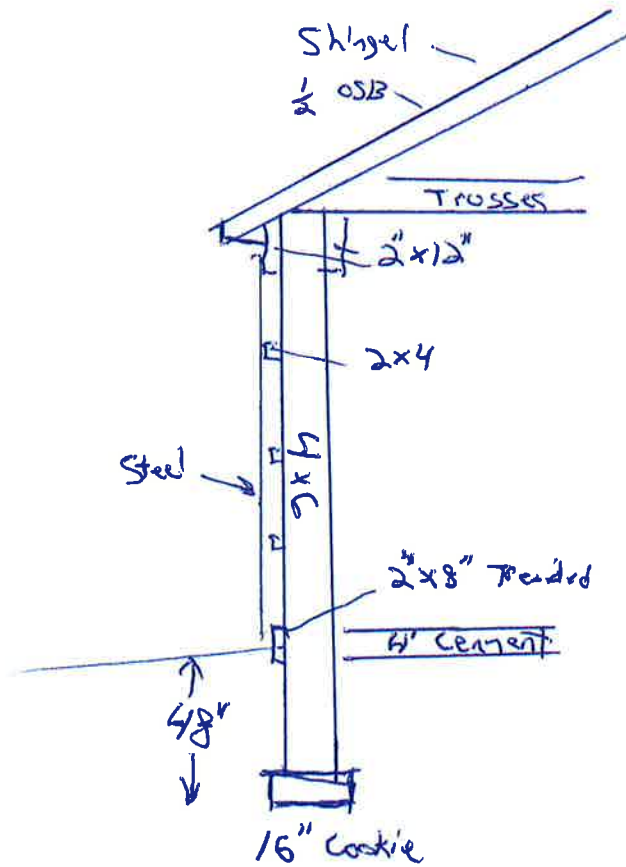
District: \_\_\_\_\_ Setbacks: Front \_\_\_\_\_ ft, Rear \_\_\_\_\_ ft, Side \_\_\_\_\_ / \_\_\_\_\_

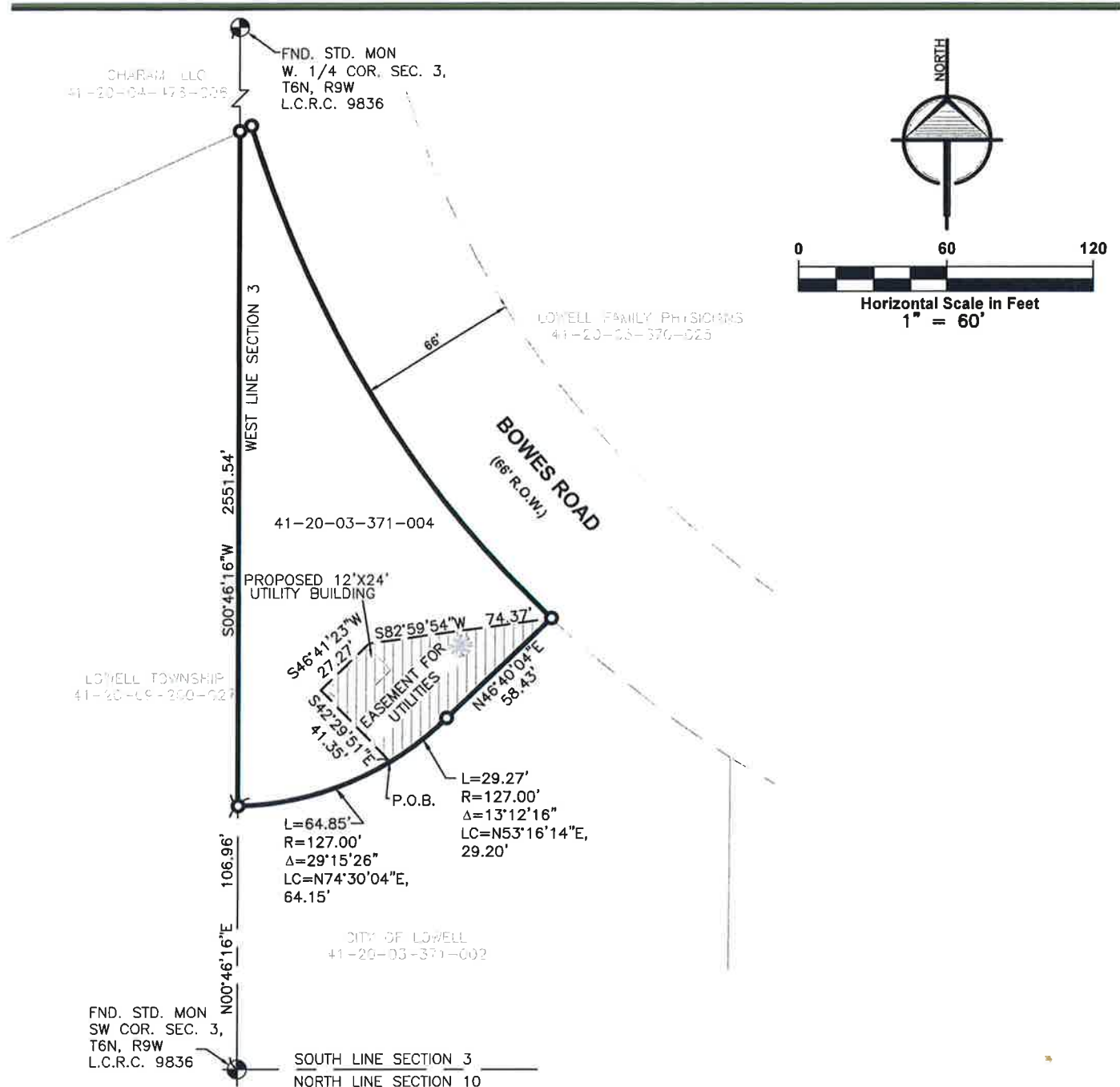
Lot Width \_\_\_\_\_ ft, Area \_\_\_\_\_ ft, Living Area \_\_\_\_\_ Distance between Buildings \_\_\_\_\_ ft

Zoning Administrator \_\_\_\_\_ Date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Approved? \_\_\_\_\_ Comments: \_\_\_\_\_

Inspection Date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Inspector \_\_\_\_\_





## EASEMENT FOR UTILITIES

Part of the SW 1/4 of Section 3, T6N, R9W, City of Lowell, Kent County, Michigan, described as: Commencing at the SW corner of said Section 3; thence N00°46'16"E along the West line of said Section, 106.96 feet; thence Northeasterly 64.85 feet on a 127.00 foot radius curve to the left, long chord bears N74°30'04"E, 64.15 feet to the POINT OF BEGINNING of this description; thence Northeasterly 29.27 feet on a 127.00 foot radius curve to the left, long chord bears N53°16'14"E, 29.20 feet; thence N46°40'04"E, 58.43 feet to the Westerly R.O.W. line of Bowes Street; thence S82°59'54"W, 74.37 feet; thence S46°41'23"W, 27.27 feet; thence S42°29'51"E, 41.35 feet to the POINT OF BEGINNING. Easement Contains: 2,490 s.f.



3800 W. River Dr. Ste. A  
Comstock Park MI 49321  
ph. 616.301.7888  
fax. 616.784.0737  
www.LREmi.com

DATE: 3/15/19  
PROJECT: 19-024

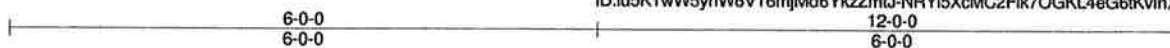
**EXHIBIT A**



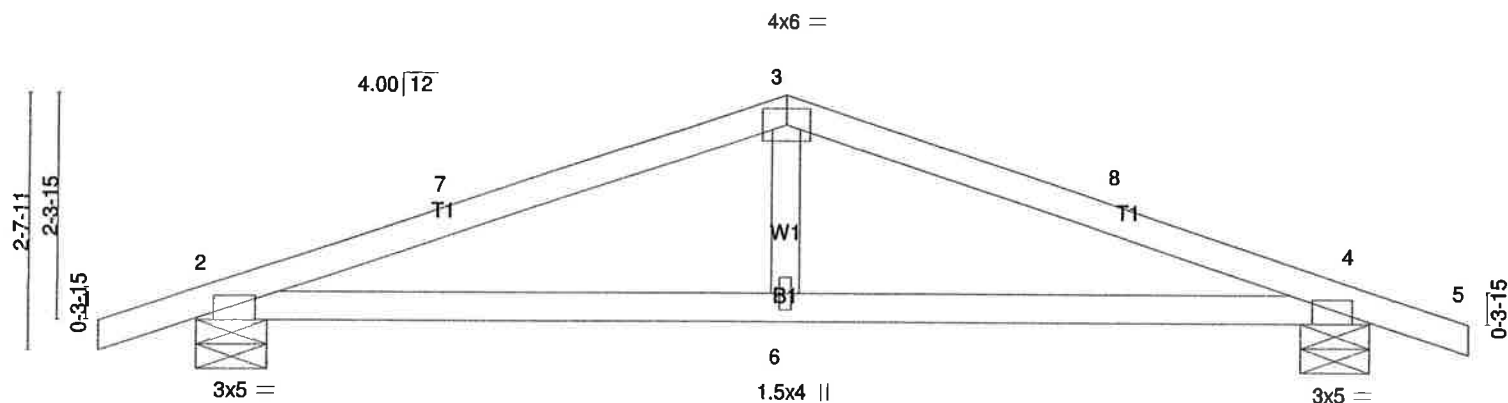
Job 81316	Truss A	Truss Type ROOF TRUSS	Qty 13	Ply 1	Anderson / Vergennes Broadband
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Truss Technologies Inc., Cedar Springs, MI 49319, DW

8.240 s Jan 22 2019 MiTek Industries, Inc. Mon Mar 18 12:58:15 2019 Page 1  
ID:Id5K1wW5yhW6V16mJMd6YkzZmtJ-NRYI5XcMG2Fik7OGKL4eG6tKvinXcaCsnZx?CfzZiIM



Scale = 1:23.1



-1-0-0	12-0-0	13-0-0
1-0-0	12-0-0	1-0-0

Plate Offsets (X,Y)-- [2:0-2-2,Edge], [4:0-2-2,Edge]

LOADING (psf)	SPACING-	CSI.	DEFL.	in	(loc)	l/defl	L/d	PLATES	GRIP
TCLL 35.0	2-0-0	TC 0.58	Vert(LL)	-0.06	2-6	>999	360	MT20	197/144
(Roof Snow=35.0)	Plate Grip DOL 1.15	BC 0.45	Vert(CT)	-0.09	2-6	>999	180		
TCDL 7.0	Lumber DOL 1.15	WB 0.10	Horz(CT)	0.02	4	n/a	n/a		
BCLL 0.0	Rep Stress Incr YES	Matrix-SH							
BCDL 10.0	Code IBC2015/TPI2014								
								Weight: 33 lb	FT = 20%

#### LUMBER-

TOP CHORD 2x4 SPF No.2  
BOT CHORD 2x4 SPF No.2  
WEBS 2x4 SPF Stud

#### BRACING-

TOP CHORD  
BOT CHORD

Structural wood sheathing directly applied or 4-9-6 oc purlins.  
Rigid ceiling directly applied or 10-0-0 oc bracing.

MiTek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer Installation guide.

**REACTIONS.** (lb/size) 2=701/0-8-8, 4=701/0-8-8  
Max Horz 2=-33(LC 13)  
Max Uplift 2=-104(LC 8), 4=-104(LC 9)

#### FORCES. (lb) - Maximum Compression/Maximum Tension

TOP CHORD 1-2=0/25, 2-7=-1041/163, 3-7=-960/173, 3-8=-960/173, 4-8=-1041/163, 4-5=0/25  
BOT CHORD 2-6=-93/904, 4-6=-93/904  
WEBS 3-6=0/262

#### NOTES- (8)

- 1) Wind: ASCE 7-10; Vult=120mph (3-second gust) Vasd=95mph; TCDL=4.2psf; BCDL=6.0psf; h=22ft; Cat. II; Exp B; Enclosed; MWFRS (envelope) gable end zone and C-C Exterior(2) zone; cantilever left and right exposed; end vertical left and right exposed; C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
- 2) TCLL: ASCE 7-10; Pf=35.0 psf (flat roof snow); Category II; Exp B; Partially Exp.; Ct=1.20
- 3) Unbalanced snow loads have been considered for this design.
- 4) This truss has been designed for greater of min roof live load of 20.0 psf or 1.00 times flat roof load of 35.0 psf on overhangs non-concurrent with other live loads.
- 5) This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
- 6) Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 104 lb uplift at joint 2 and 104 lb uplift at joint 4.
- 7) This truss is designed in accordance with the 2015 International Building Code section 2306.1 and referenced standard ANSI/TPI 1.
- 8) TTI quotes and drawings are PROPRIETARY and CONFIDENTIAL. Do not copy or distribute without the consent of Truss Technologies Inc.

**LOAD CASE(S)** Standard

2019				
Open Date	Close Date	Address	Name/Business	Subject
01/30/2019	02/05/2019	911 Grindle	Robert & Janet Arbogast	Finish Basement
03/05/2019		901 Bowes	Compass Rose Developments, LLC	New Home
02/06/2019		1400 W. Main	Burger King-Roger Franz with Net Lease Development	Restaurant
03/15/2019	03/15/2019	180 S. Center	Sara Beach	Property improvement- Updating siding on garage, replacing boards on deck and fence
03/18/2019	03/18/2019	268 Elizabeth Dean	Lou Ann Cole- Nephew doing work John Arnst	New garage
04/04/2019	04/04/2019	1401 Sibley St	Andrea Catapano	Updating fence, adding gate, cement & 7x7 rubbermaid shed
04/08/2019		830 N. Washington	Brandon Gessler	Shed
04/04/2019	04/15/2019	2111 W. Main	Fit Body Boot Camp	Sign
04/12/2019	04/12/2019	292 Donna Drive	Donna Tyler	Shed
04/16/2019	04/16/2019	329 N Jefferson	Michael & Jessica Chessen	Fence
04/12/2019	05/01/2019	206 N. Jackson	Tony Ellis	Pole Barn
04/29/2019		219 & 238 High Street	Unity School Investors, LLC	Redevelopment of buildings and property