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**PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE  
CITY OF LOWELL, MICHIGAN  
AGENDA  
FOR THE REGULAR MEETING OF  
MONDAY, JULY 8, 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. **June 10, 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**
6. **NEW BUSINESS**
  - a. **Riverview Flats – PUD Review**
  - b. **CBD (Cannabidiol) – Oil Sales**
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, JUNE 10, 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 Tony Ellis, Amanda Schrauben, Colin Plank, Michael Gadula and Chair Bruce Barker.

Absent: Commissioners Marty Chambers and David Cadwallader.

Also Present: Andy Moore with William & Works, Deputy Clerk Amy Brown and City Manager Michael Burns.

**2. APPROVAL OF ABSENCES.**

IT WAS MOVED BY BARKER and seconded by ELLIS to excuse the absence of Commissioners Marty Chambers and David Cadwallader.

YES: 5. NO: 0. ABSENT: 2. MOTION CARRIED.

**3. APPROVAL OF AGENDA.**

IT WAS MOVED BY BARKER and seconded by PLANK to approve the agenda as amended changing the marihuana discussion to the Marihuana Ordinance Public Hearing.

YES: 5. NO: 0. ABSENT: 2. MOTION CARRIED.

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

IT WAS MOVED BY PLANK and seconded by SCHRAUBEN to approve the minutes of the May 13, 2019 Planning Commission regular meeting as written.

YES: 5. NO: 0. ABSENT: 2. MOTION CARRIED.

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

Attorney Steven Bratschie spoke and stated he represents Unity School Investors LLC who have applied to develop the Riverview Flats Condo Project. Bratschie make a brief statement about some information that is out there about their project.

**6. OLD BUSINESS.**

None.

7. **NEW BUSINESS.**

a. **Marijuana Ordinance - Public Hearing.**

Chair Barker opened the Public Hearing.

Andy Moore with Williams & Works went through the marijuana ordinance and explained the details and amendments.

Chair Barker asked if there were any public comments. There was none.

Chair Barker closed the public hearing.

Chair Barker asked if the commissioners had any questions or comments.

The Planning Commissioners asked questions regarding the odor and zoning portions of the marihuana ordinance and Moore answered their questions. Also Commissioner Cadwallader and Commissioner Ellis expressed their concern for the Vape Shops and other shops in town that are selling chemical substances that are very dangerous. Chair Barker asked Andy Moore at Williams & Works to look into the CBD and Vaping substances that are in the City and if we are allowed to make any regulations regarding them.

IT WAS MOVED BY BARKER and seconded by PLANK to recommend approval of the marihuana ordinance contingent on the City Council adopting the ordinance.

YES: 5. NO: 0. ABSENT: 2. MOTION CARRIED.

8. **STAFF REPORT.**

City Manager Michael Burns stated there will be a training for the new Planning Commissioners coming up soon.

9. **COMMISSIONERS REMARKS.**

Commissioner Schrauben and Chair Barker welcomed Michael Gadula to the Planning Commission.

10. **ADJOURNMENT.**

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

DATE:

APPROVED:

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Bruce Barker, Chair

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Amy Brown, Deputy Clerk

# williams&works

engineers | surveyors | planners

## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** July 3, 2019  
**From:** Andy Moore, AICP  
Whitney Newberry  
**RE:** Riverview Flats – PUD Review

Unity School Investors, LLC has submitted an application for a PUD located at 219 High Street (PPN 41-20-02-260-003). The purpose of this memorandum is to review the PUD plan pursuant to Chapter 15 of the Lowell Zoning Ordinance.

**Background.** The applicant owns two parcels (219 and 238 High Street), however, only 219 High Street is the subject of this application. The subject property is within the Mixed Use district zoning and a portion of the subject property (219 High Street) is located within the Floodplain Overlay district. The total acreage of 219 High Street is approximately 2.0 acres.



The applicant has proposed a condominium project on the subject property, which would include redevelopment of the existing Unity School building and bus garage, known as “Riverview Flats.” The applicant is proposing three phases during the project.

The first phase would convert the former bus garage (on the western portion of the site) into 14 residential condominiums. In order to achieve this, the applicant has proposed an additional story to be constructed on top of the building. This first phase would also include the construction of four enclosed private garages for condominium residents. Access to these condominiums is proposed through the construction of private drives from King Street and Monroe Street. This phase is expected to take approximately one year.

The second phase of Riverview Flats would renovate the existing Unity School building into new condominium units. The applicant has indicated that this building will accommodate approximately 16 residential units. A parking lot for these units is proposed on the east side of the school building with access from High Street. A portion of the former Unity School building

currently extends into the High Street right-of-way, which is not allowed. However, the applicant has indicated on the site plan that this portion will be removed.

The project's third phase would involve the construction of residential units in new buildings on the northeastern corner of the property. There are no buildings presently on this portion of the site. These residential units would be located in two buildings and access would be provided via the private drives from Monroe Street and King Street that were constructed during Phase I. The applicant has indicated that approximately 14 residential units will be in these buildings comprising Phase III.

**Completeness of Submittal.** The applicant originally submitted a PUD plan dated April 26, 2019. However, some of the qualifying conditions were not satisfied and some required items were missing from the site plan at that time. After working with the applicant on these issues, an updated proposal was received electronically on June 27, 2019. This updated submittal contained all the required information for a PUD Plan as stated in Section 15.09 of the Ordinance.

The table of requested deviations is missing the proposed deviation from the minimum building frontage of Mixed Use district zoning as required in Section 16A.04. An 80% minimum building frontage is required in primary front yards and a 50% building frontage is required in secondary front yards. The proposal as indicated on the site plan would not meet these standards, so this deviation should be included in the table of requested deviations. However, this is a minor revision and we find the application complete for review.

**Objectives and Qualifying Conditions.** In accordance with Section 15.02 of the City of Lowell Zoning Ordinance, the Planning Commission and City Council shall consider the degree to which the proposed PUD satisfies the objectives and qualifying conditions for PUDs. These objectives are listed below, along with our remarks on each.

#### Objectives

1. To encourage the provision and protection of open spaces, cultural/historic resources, the development of recreational amenities, and, where included in the plan, other support facilities in a generally central location within reasonable distance of all dwelling units.

**Remarks:** The proposed development includes the redevelopment of the former Unity School building and bus garage. Preservation of these old structures aligns with the City's value of preserving historic buildings. Since many Lowell residents attended Unity School, its preservation would retain some historic qualities of the building that may be appreciated by residents. Additionally, the PUD plan involves the creation of several residential units near the downtown area. Although the development is not proposing additional support facilities, the location of residential units near the downtown area may allow residents to have access to other support facilities in a walkable environment.

The applicant has included designated open space areas in the plan. This open space includes all areas that do not have structural development. The largest and most prominent open space area is located in the southwestern corner of the subject property. This area has an existing concrete base and the applicant is proposing landscaped islands within the area. There are also smaller sodded open space elements that exist primarily in the corners of the site. The designation of open space on the site plan adheres to this objective. However, the provided open spaces should be considered for their ability to function for the provision or protection of open areas on the property. The size of the parcel limits the amount of open space that may be provided in this development; however, it does not appear that many of the designated open space areas were designed with the purpose to function as an open space. In an urban setting, significant open space is not always desired or necessary. Therefore, the role of open spaces in the development should be discussed by the Planning Commission.

Recreational activities may be encouraged by the development's proximity to a boat launch on High Street and other City parks, services, and the Riverwalk. However, specific recreational amenities are not included on the plan or described in the narrative. This should also be discussed by the Planning Commission.

2. To encourage developers to use a more creative and imaginative approach in the development of property.

**Remarks:** The applicant indicated in the project narrative that previous developers interested in this property had proposed to demolish the existing buildings. The applicant has ostensibly approached this development with the objective of preserving the existing buildings. In order to renovate these buildings, a creative design is required that appears to be somewhat limited through the strict application of the current Mixed Use zoning district standards. Specifically, Mixed Use zoning requires a minimum building frontage of 80% in primary front yards and 50% in secondary front yards, in accordance with Section 16A.04. Because the subject property is a corner lot surrounded by three rights-of-way, the parcel has three front yards. Creating a design that retains the existing buildings and meets the primary and secondary front yard coverage requirements would be difficult, if not impossible, under the strict requirements of the underlying Mixed Use district. Additionally, the mixed use zoning designation does not allow off street parking in the front yard, which limits the amount of parking available for residents. Thus, through PUD rezoning, it appears that a more creative approach is possible that may not have been otherwise feasible if the requirements of the underlying zoning district were applied.

3. To allow for market-driven development or redevelopment in places that are most conducive to accommodating additional activity.

**Remarks:** A cursory review of relevant market data trends suggests that the Lowell housing market is competitive. The proposed development site is located in downtown Lowell, along the Flat River and adjacent to residential neighborhoods, public facilities,

and services. Adequate infrastructure is already in place and accessible at the subject property, so the property is well-positioned as an ideal infill site where relatively dense residential densities are appropriate. If there are concerns about the overall viability of the project, the Planning Commission may request additional evidence from the applicant in order to show that there is demand for the project that would reflect the desire to encourage market-driven redevelopment activity.

4. To facilitate economic development through the creation of a mix of uses and/or building types.

**Remarks:** The applicant has indicated in the project narrative that the project "will generate new real estate tax revenue for the City" as well as "new economic benefits for local businesses with the redevelopment of multiple buildings." It is possible that the proposed PUD would result in increased property values, as each condominium unit would pay property taxes. The combination of redevelopment and new construction appears to provide a variety of building types that could lead to a successful development. The location of the development near the downtown area can also be expected to generate local economic activity, although this effect will not likely be easily noticeable since only a total of 44 units are proposed. Nevertheless, if successful, the proposed project would likely contribute positively to economic development in the City.

5. To create walkable developments with pedestrian-oriented buildings and open space that connects to nearby destinations or neighborhoods.

**Remarks:** The proposed development is located near the Lowell Riverwalk. This walkway is already connected to sidewalks surrounding the proposed development and will facilitate pedestrian traffic between residential neighborhoods and the downtown area. The applicant has also proposed sidewalks within the development, connecting to surrounding sidewalks on the northern and eastern property boundaries.

The applicant has indicated open space areas on the site plan. A small open space is located in the northeast corner of the property. The landscape plan includes some landscaping at this location, but it does not appear to be intended for public use. Further, there is a portion of concrete space located in the southwest corner of the subject property, adjacent to the former Unity School building. The landscape plan shows several landscape islands in this location; however, the purpose of this space is unclear. While the proposed development provides minimal open space, a significant amount of open space is not likely necessary in a downtown setting. The Planning Commission should discuss whether the proposed open space is sufficient and appropriate.

6. To provide for the adaptive re-use of significant or historic buildings;

**Remarks:** The applicant has proposed to reuse the former Unity School building and bus garage. This will retain some local cultural and historic characteristics, as many of Lowell's residents attended the school over the years prior to its closure. Thus, the

development appears to provide for the adaptive re-use of significant buildings in the community.

7. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the city.

**Remarks:** The applicant has proposed a phased development with a total of three phases. It is important to note that phases one and two of the development will need to exist and function both independently and collectively. Most multi-phase projects take years to reach full build-out, so it is important that each development phase of the development is fully functional on its own, so that the project is functional if subsequent phases are not developed for long periods of time. The portion of the school building that protrudes into the High Street right of way will need to be addressed in detail in phase 2, although the Planning Commission may request additional information regarding how this will be handled. Further, if the PUD rezoning is approved, each phase will be required to secure site plan approval from the Planning Commission, who will need to verify that the phase, when presented, is consistent with the original PUD rezoning approval.

8. To promote flexibility in design and to permit planned diversification in the location of structures.

**Remarks:** The proposed development is designed so as to utilize the existing buildings on the site. Rezoning to PUD allows greater flexibility in requirements such as parking, setbacks, and front yard build-to zone requirements. Therefore, it appears that rezoning to PUD would allow for diversification in the location of structures, since the development is already somewhat limited by utilizing existing buildings.

9. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.

**Remarks:** Because two buildings already exist on the subject property, utilities are readily available for redevelopment. Redevelopment of existing buildings also contributes to the conservation and efficient use of building materials. Therefore, it appears as though the proposed development would offer an efficient arrangement of buildings and utilities.

Vehicular circulation appears to be efficiently designed to facilitate traffic between different buildings. Internal sidewalks provide logical connections to existing sidewalks bordering the subject property. However, the sidewalk adjacent to the former Unity School building ends abruptly and does not connect to a nearby internal sidewalk to the north. The Planning Commission may discuss pedestrian circulation and land use of certain areas with the applicant to ensure efficient arrangement.

10. To minimize adverse traffic impacts and to accommodate safe and efficient pedestrian access and circulation;



**Remarks:** Internal vehicular access is proposed through a private drive with two curb cuts: one on King Street and one on Monroe Street. It appears as though this design would not adversely impact traffic.

Pedestrian circulation includes connections to existing sidewalks bordering the subject property. A sidewalk is proposed between the former Unity School building and parking lot. The northern end of this sidewalk is located near another internal sidewalk; however, they are not connected. Additionally, as described above, the southeast portion of the development includes a concrete area with landscape islands. It is unclear whether this is intended to function for pedestrian circulation. The Planning Commission may discuss safe and efficient pedestrian access and circulation with the applicant.

11. To provide for redevelopment of sites and/or buildings that are under-developed or have fallen into disrepair;

**Remarks:** The former Unity School building and bus garage are vacant buildings and have begun to fall into disrepair. The proposed PUD plan would redevelop these buildings and restore them to a useful state.

12. To combine and coordinate architectural styles, building forms, and building relationships within the PUD; and

**Remarks:** The exteriors of existing buildings are consistent with each other. The applicant has indicated in the project narrative that new materials will coordinate and complement the architectural styles and building forms that currently exist. The applicant has submitted building elevations for the phase 1 development, and some renderings of this phase are found on the project website. The Planning Commission may discuss architectural styles and building forms with the applicant to ensure they are consistent throughout the development.

13. To ensure a quality of construction commensurate with other developments within the city.

**Remarks:** In the applicant's narrative, it is stated that the "quality of construction will meet or exceed that of other buildings in and around the City." If desired, the Planning Commission may ask for additional information regarding how the applicant intends to ensure quality of construction, although the preliminary indications are that the materials would be of an acceptable quality.

#### Qualifying Conditions

1. Ownership. The tract of land for which a PUD application is received must be either in one (1) ownership or with written approval of the owners of all affected properties.

**Remarks:** The former Unity School building extends into the High Street right-of-way. However, the applicant has indicated on the site plan that the portion extending into the

right-of-way will be removed to the property line. Therefore, there are no owners of affected properties associated with this development and the PUD application is in one ownership. This condition is met.

2. Conditions. To be considered as a PUD, the proposed development must fulfill at least one (1) of the following conditions:
  - a. The PUD contains two (2) or more separate and distinct uses, for example, residential dwellings and office or commercial uses;
  - b. The PUD site exhibits significant natural features encompassing at least twenty-five (25) percent of the land area of the PUD which will be preserved as a result of the PUD plan.
  - c. The PUD is designed to preserve, in perpetuity, at least sixty (60) percent of the total area of the site as open space.
  - d. The PUD constitutes a significant redevelopment of an underutilized or vacant property where conventional development may not be feasible.

**Remarks:** It appears as though the PUD Plan fulfills letter (d), as it proposes to redevelop two existing buildings and construct two new buildings what presently an underutilized property. Conventional development that complies fully with the underlying Mixed Use zoning regulation may be infeasible unless the buildings are razed. Due to the intent to preserve their historic and cultural character, it appears as though this PUD plan would constitute a significant redevelopment of the vacant property.

3. Master Plan. The applicant shall demonstrate that the proposed PUD is consistent with the adopted master plan.

**Remarks:** The future land use map shows the subject property in the Mixed Use designation, which is intended to permit a mixture of residential, office, and commercial land uses. This category may include redevelopment of existing areas or new construction and should promote pedestrian accessibility. The intended development appears to align well with the Plan's Mixed Use future land use category.

**PUD Plan and Rezoning Standards.** Section 15.10 of the Zoning Ordinance sets forth standards that shall be utilized by the Planning Commission and City Council in reviewing a PUD plan and PUD rezoning. These standards are below, along with our remarks on each.

1. The proposed PUD complies with the purpose and qualifying conditions of sections 15.01 and 15.02.

**Remarks:** The proposed PUD appears to comply with the purpose and qualifying sections of 15.01 and 15.02. However, there are a few objectives that may be questionable due to the current design of the plan. These are primarily related to pedestrian accessibility, sidewalk connections, and open space.

2. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with, and further implement the policies of, the adopted master plan.

**Remarks:** The future land use map shows the subject property in the Mixed Use designation, which is intended to permit a mixture of residential, office, and commercial land uses. This category may include redevelopment of existing areas or new construction and should promote pedestrian accessibility. The intended development appears to align well with the Mixed Use category. The Master Plan does not consider PUDs on the future land use map.

The PUD plan may be supported through some of the Master Plan's goals and objectives. The Master Plan's goal for Community Image promotes Lowell's image as a historic community with natural resources such as the Flat River. Objectives include measures to improve access and views to the Flat River and restoration of buildings to their original style. Encouraging river access and views may include "demolition of view blocking buildings and structures, building of paths, construction of view overlooks, and others." The proposed PUD plan does not propose additional buildings along the riverfront. The addition of a second story on the bus garage may contribute to diminishing the viewshed; however, the extent to which this would occur is unclear. The residential units in the former bus garage would allow those owners river views.

The Community Image goal also includes an objective to encourage the restoration of building fronts to their original style. By preserving the existing buildings on the site, the applicant may retain their original style. The development appears to support this objective. The applicant has submitted building elevations for phase 1. It does not appear that the new construction would significantly diminish the original historic character of the site. However, the Planning Commission may request additional information regarding building styles and architecture in order to ensure that the building fronts and new construction would not diminish the historic character of the site.

The Master Plan also lists a Land Use goal to "promote a walkable community with stable neighborhoods, and conveniently located public, commercial, and service uses." Objectives include improved pedestrian access to the Flat River, a land use pattern to facilitate walking to and within the downtown area safer and easier, and encouragement of new development in and around the downtown area. The PUD plan appears to align well with the objective for encouraging new development in and around the downtown area. The placement of residential units at this location appears to support this objective of building off of the downtown as the heart of Lowell.

Lastly, the Master Plan defines Housing goals, desiring a variety of housing opportunities on a range of lot sizes to provide affordable housing. The applicant has not submitted any information regarding the targeted income level of these housing units. However, the primary housing types in the surrounding area are single-family residential homes, and some residential-over-retail dwellings along Main Street. The presence of

attached condo units may provide diversity in the housing market through different types of units and lot size, as there are few attached condos in the City at present

3. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.

**Remarks:** The Single or Two Family Residential district is located north and east of the subject property and the Public Facilities district is located south and west of the subject property. Uses on adjacent Public Facilities property include the Kent District Library and a small public park with a riverfront walkway. A school is also located in the immediate area. Because the proposed PUD is residential in nature, it appears that the use would be harmonious with the character of the surrounding uses. The PUD plan depicts a higher density than that allowed in the neighboring residential uses. However, because the subject property is also adjacent to the Public Facilities district and the riverfront walkway, the increased density may be more compatible and appropriate at this site, and offer a transition between the lower-intensity neighborhoods to the north and the more intense uses in downtown Lowell.

The subject property contains minimal natural features. The landscape plan submitted by the applicant indicates an increase in overall vegetative density on the site as a result of the development. Therefore, it appears that the natural environment will remain harmonious with the surrounding area.

Because this site was the former location of Unity School, public facilities and services are already available for use. It is expected that the capacity of public services and facilities would support the intended development. However, the Planning Commission may request additional comments and approval from the City Engineer and DPW.

4. The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.

**Remarks:** The proposed PUD is residential in nature and therefore not expected to involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through excessive production of traffic, noise, smoke, fumes, or glare. The development is likely to have some impact on traffic in the area, as 44 new housing units would eventually be created. Because the development can be accessed via King Street, Monroe Street, and High Street, it appears as though traffic will be distributed throughout the surrounding streets so as not to overload one particular area. Further, many of the future residents many walk to destinations in downtown Lowell, reducing the number of vehicle trips needed.

5. The proposed PUD shall not place demands on public services and facilities more than current or anticipated future capacity.

**Remarks:** The Planning Commission may request approval of public service and facility capacities by the City Engineer and DPW. This may be addressed as a condition of approval.

6. The proposed PUD shall satisfy all applicable local, state, and federal laws, rules and, regulations.

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

**Floodplain Overlay District Standards.** A portion of the subject property is located within the Floodplain Overlay District; therefore, the standards and regulations of Chapter 14 apply to all proposed uses in that district. Section 14.04 of the Zoning Ordinance sets forth additional standards that shall be utilized by the Planning Commission and City Council in reviewing the PUD plan and PUD rezoning. These standards are below, along with our remarks on each.

1. "Development, including the erection of structures and placement of manufactured homes, within the floodplain overlay district shall not occur except in accordance with the requirements of ... the following standards":

- a. The requirements of this chapter shall be met.

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

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

**Remarks:** Contingent upon the applicant's conformance to the applicable standards for PUD approval, this standard would be met.

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

**Remarks:** The proposed project may require a Part 31 permit from the Michigan Department of Environmental Quality (DEQ). So far, no permits related to development in the floodplain have been submitted to our knowledge. This may be addressed as a condition of approval.

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

**Remarks:** The Planning Commission may request review by the City Engineer regarding the applicant's grading and stormwater management design to ensure the floodplain capacity, volume, and speed of water will not be significantly changed.

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

**Remarks:** The residential buildings proposed to be constructed during Phase III are completely within the 100-year floodplain, as is a portion of the former bus garage. It appears as though utilities, streets, off-street parking, railroads, structures, and buildings for public or recreational uses are designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety, and welfare. However, any infill or construction activity that displaces 200 cubic yards or more may require a compensating cut nearby so as not to increase the base flood elevation for the remainder of the area. The Planning Commission may defer to the City Engineer regarding additional comments related to increased flood risk.

2. Specific base flood elevation standards:

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

**Remarks:** The applicant has not submitted a plan detailing structural improvements related to flooding. It is unclear from the site plan whether the proposed developments in the floodplain will be elevated at least one foot above the flood level. The Planning Commission may address this with the applicant.

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

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

**Public Hearings.** The Zoning Ordinance allows for the Planning Commission to hold a public hearing on a proposed PUD, though it is not required. However, the Lowell City Council is required to hold a public hearing on the project, which would be scheduled once it receives a recommendation from the Planning Commission. The Planning Commission, therefore, should discuss whether it desires to conduct a public hearing prior to making a recommendation. If a Planning Commission public hearing is desired, it would be scheduled for the regular August Planning Commission meeting.

**Discussion.** It is recognized that the PUD approval process involves much collaboration and communication between various parties. This review is more complex than most due to the review procedures, property involved, and phased nature of the development. If approved, the PUD plan provides the basis to which site plans for subsequent phases must adhere, so it is imperative that potential issues or uncertainties regarding the PUD plan be discussed at the project's outset. With this in mind, the Planning Commission should discuss the following topics:

- **Open space.** As a condominium development, open spaces are generally owned and maintained by a developer or condominium association. Undeveloped or improved open areas are often identified as a general common element. Accordingly, the applicant has indicated "open space" on all areas that are not proposed for development. However, the purpose of open space should be discussed. According to Section 15.06 (B) of the Ordinance, open space areas "shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access...such that all properties within the entire PUD may reasonably utilize the available open space." As identified by the Ordinance, open space areas are intended to provide usable areas for residents and be in joint ownership of all property owners within the PUD. The Planning Commission may discuss whether all designated open space areas on the site plan are in agreement with the description of open space in Section 15.06 of the Ordinance. This may include discussion regarding the size, desired dimensions, access points, and potential utilization of such areas.

Additionally, the Planning Commission may discuss maintenance of open spaces with the applicant. This may take the form of a property owner's association or similar entity, which must be approved by the City. This may further describe the role of residents in contributing to the upkeep of the property and the arrangement of maintenance to ensure future upkeep of the property. Condominium bylaws and a master deed addressing these issues should be provided to the City for review prior to authorization.

- **Architectural compatibility.** It is recognized that the proposed development is a long-term project that will involve the collaboration of many parties. In order to ensure consistent architectural standards between each phase, it may be helpful for the

Planning Commission to discuss architectural compatibility with the surrounding properties. This may include a discussion of the applicant's intended building forms, the role of architecture in preserving the historic character of the site, and use of similar building materials within each phase. Included in this discussion, the Planning Commission should clarify the applicant's intent for a 2,500-foot portion of the former Unity School building labeled as "Future Building" on the site plan. Based on aerial imagery, it appears that this portion of the building is already in existence. Therefore, clarification of the applicant's intent may provide insight on future development during this phase.

- **Walkability & connections.** The extent to which the development would contribute to a walkable community should be discussed. As previously mentioned, some available sidewalk connections are not made on the site plan. However, the property still provides access to the downtown area through other existing connections. Therefore, the Planning Commission should discuss the extent to which the site should connect internally, appropriate connections along the Flat River and neighboring areas, and the role of sidewalks within the development.
- **Proximity to downtown.** From a holistic planning perspective, this proposal seems to be consistent with the Master Plan and City's vision for development through the preservation of historic buildings, potential contribution to a walkable community, and redevelopment of a vacant area. The placement of features in close proximity to the downtown area would likely support the economic development of downtown while offering significant improvement to an underutilized site. The site's location would facilitate pedestrian traffic to the downtown area, enhancing residential connections. It would also seem to provide an appropriate transition between less dense residential uses and the downtown commercial and public uses. The Planning Commission may further consider how this development's location and function would impact the downtown area and its consistency with the Master Plan considering its proposed use, phased development, transitional function, and aesthetic impact.

**Conclusion.** At the July 8, 2019 meeting, the Planning Commission should discuss the site and carefully consider any comments from the applicant and the public. In addition to the overall project, the following specific items should be discussed by the Planning Commission:

1. Whether the applicant should provide relevant market data showing that the development in this location is appropriate.
2. The intended land use for the concrete area located in the southwestern portion of the subject property.
3. Internal sidewalk connections to facilitate circulation throughout the site and to the riverfront walkway.
4. If the quality of construction will meet or exceed that of other buildings in and around the City.
5. Whether the applicant has sufficiently demonstrated if the proposed PUD is consistent with the adopted Master Plan.



6. Whether the capacity of public services and facilities is adequate, and any additional questions regarding grading, stormwater management, and capacity of the floodplain.
7. Whether the lowest floor in the floodplain is elevated at least one foot above the base flood level.
8. Whether all necessary permits by the appropriate local, state, and federal authorities, including a floodplain permit, or whether a letter of no authority from the Michigan Department of Natural Resources under authority of Act 451, of the Public Acts of 1994, as amended, has been received. Where a permit cannot be issued prior to the issuance of zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance could be acceptable.

However, should the Planning Commission be inclined to make a recommendation to the City Council, we suggest that the motion be in the form of a tentative recommendation, subject to the preparation of written findings that would be formally adopted at the next meeting. If the Commission is inclined to make a favorable recommendation, we would suggest the following conditions be included, along with any others deemed necessary by the Planning Commission:

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 proposed PUD shall satisfy all applicable local, state, and federal laws, rules and, regulations.
4. The applicant shall comply with any requirements from the City's Department of Public Works, City Engineer, Fire Department, Board of Light and Power, and other City officials.
5. All necessary permits shall have been issued by the appropriate local, state, and federal authorities, including a floodplain permit, or letter of no authority from the Michigan Department of Natural Resources under authority of Act 451, of the Public Acts of 1994, as amended. Where a permit cannot be issued prior to the issuance of zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable
6. The applicant shall include proposed deviations for minimum building frontage in the table of proposed deviations from the Mixed Use district.
7. The applicant shall add internal sidewalk connections to create more efficient circulation routes.
8. The applicant shall provide specific information regarding how the quality of construction will meet or exceed that of other buildings in and around the City.

As always, please feel free to contact us if there are further questions.

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

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



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

## APPLICATION FOR PLANNED UNIT DEVELOPMENT

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

1. Street Address and/or Location of Request: 219 High Street

2. Parcel Identification Number (Tax I.D. No.): #41-20- 02-260-003

3. Applicant's Name: Unity School Investors, LLC Phone Number 616.822.6477

Address: 216 W Main, Unit #6 Lowell MI 49331  
Street City State Zip

Fax Number 616.585.0804 Email Address todd@estesgroup.com

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

5. Applicant is being represented by: Todd Schaal Phone Number 616.822.6477

Address: 216 W Main, Unit #7 Lowell MI 49331

6. Present Zoning of Parcel PUD - Mixed Use Present Use of Parcel Vacant

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

Redevelopment of the buildings and property with uses consistent with the Mixed Use zoning.  
(Please see narrative for additional information.)

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Type or Print Your Name Here: \_\_\_\_\_

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

Owner

Date

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

**1. General Information**

a. Name and firm address of the professional individual responsible for preparing site plan and his/her professional seal.	<u>X</u>
b. Name and address of the property owner or petitioner.	<u>X</u>
c. Scale, north arrow, and date	<u>X</u>
d. Acreage (gross and net)	<u>X</u>
e. Zoning of adjacent properties	<u>X</u>
f. Legal property description	<u>X</u>
g. Existing Site Conditions:	
1) Boundary survey lines and setbacks.	<u>X</u>
2) Location sketch showing site, adjacent streets and properties within 200 feet or as directed by the city.	<u>X</u>
3) Location, width, and purpose of all existing easements and lease areas, including cross-access.	<u>X</u>
4) Abutting street right(s)-of-way and width.	<u>X</u>
5) Topography with contour intervals of no more than two (2) feet.	<u>X</u>
6) Natural features such as wooded areas, surface water feature, floodplains or floodways, wetlands, slopes exceeding 15%, lakes, rivers, creeks, county drains, and other significant site features, including the area of such features.	<u>X</u>
7) Existing buildings, structures, paved surfaces and areas, installed landscaping, and other significant physical infrastructure.	<u>X</u>
8) Size and location of existing utilities and status, where applicable.	<u>X</u>
h. Proposed Development:	
1) Layout of proposed buildings, structures, driveways, parking lots, streets, landscaped areas, and other physical infrastructure, as applicable, including the area of these improvements.	<u>X</u>
2) Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.	<u>X</u>
3) Layout of sidewalks and/or pathways, both internal to the development and along the main road frontage.	<u>X</u>
4) Layout and typical dimensions of building envelopes, proposed parcels, and lots.	<u>X</u>
5) Parking, stacking, and loading calculations, if applicable.	<u>X</u>
6) Phasing plan, if applicable.	<u>X</u>
7) Conceptual plan for provision of public water and public sanitary sewer services.	<u>X</u>
8) Conceptual grading plan.	<u>X</u>
9) Conceptual stormwater plan.	<u>X</u>
10) Conceptual plan for provision of public water and public sanitary sewer services.	<u>X</u>
i. Additional Information:	
1) A narrative, which shall describe the proposed PUD, the proposed timeframe of development, the zoning district(s) in which it will be located, the overall residential	

density of the project, and documentation indicating how the qualifying conditions in Section 15.02 and the standards of 15.10 are met.

X

- 2) A table detailing all requested deviations identified in the PUD Plan compared to the requirements of the zoning district in which the proposed PUD is located. This table shall clearly identify the requirement in comparison to the requested deviation.

X

- 3) The Planning Commission may require additional information from the applicant to better assist in the determination of PUD qualification such as, but not limited to, market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.

**Standards for Approval.** Prior to approval of a planned unit development application, the planning commission and city council shall ensure that the standards specified in Chapter 15 of the City of Lowell Zoning Ordinance are satisfied by the completion of the planned unit development under consideration. Section 15.10 lists the following standards for approval. Please respond to each, illustrating why the proposal would meet each standard.

- A. The proposed PUD complies with the purpose and qualifying conditions of sections 15.01 and 15.02.

See attached PUD Development Narrative.

- B. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with, and further implement the policies of, the adopted master plan.

See attached PUD Development Narrative.

- C. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.

See attached PUD Development Narrative.

- D. The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.

See attached PUD Development Narrative.

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- E. The proposed PUD shall not place demands on public services and facilities more than current or anticipated future capacity.

See attached PUD Development Narrative.

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- F. The proposed PUD shall satisfy all applicable local, state, and federal laws, rules, and regulations.

See attached PUD Development Narrative.

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## RiverView Flats

### Condominium Project PUD Development Narrative

April 26, 2019

*May 2019 - Updated as noted*

#### REQUIRED SUBMITTALS:

- Preliminary Development Plans
  - C2.0 – Proposed Site Plan
  - C1.0 – Existing Conditions, Removals & Preliminary SE/SC Plan
  - C3.0 – Grading & Stormwater Management Plan
  - C3.1 Grading & Stormwater Management Plan (Cross Sections & Details)
  - C5.0 – Preliminary Site Details
  - C5.1 – Preliminary Drive Details
  - Architectural Renderings & Floor Plans
- Completed Zoning Application (*information copied onto PUD Application form*)
- Fee payment of \$1,100
  - Application fee of \$100
  - Escrow of \$1,000 (*additional \$4,000 escrow payment made to City*)

#### SUMMARY OF INTENT:

The proposed RiverView Flats condominium project is the redevelopment of the buildings and site commonly known as the former Unity School.

The project will consist of three Phases. The first Phase is the addition of another story to the former bus garage building with the bus garage building being converted into 14-residential condominiums. There will also be the construction of enclosed garages for said condominiums.

The second Phase will be the renovation of the school building into condominiums.

The third Phase will be the construction of condominiums or apartments on the vacant property at the northeast corner of the property.

The first Phase is expected to take approximately one year at a cost of approximately \$2.1-million. The timing of the other Phases will be dependent on market demand.

The current zoning of the property is Mixed Use which was written for the property a few years ago.

To the east and north of the property is residential in an urban environment and with urban density, to the west is the Flat River and to the south is a vacant parcel, a library and then commercial buildings and uses.

The size, location, character and compatibility are consistent with the goals of the City's Master Plan adopted in November of 2007. 'New Development in the City will be encouraged to be located in and around the downtown area...' as taken from page 33 of the Goals and Objectives Chapter of the Master Plan. Further the Master Plan encourages and promotes the rehabilitation of existing buildings and facades and the development of residential uses in the downtown area.

#### Section 15.02

15.01 – The project will protect the cultural and historic history of the property by preserving the former Unity School buildings of which many Lowell residents attended.

15.02 – Past developers that considered development of the property proposed the demolition of the existing buildings and concluded new construction wasn't feasible. Through creative thinking, the developers have figured out a way to utilize and preserve the existing buildings.

15.03 – There is a market driven need for housing in the downtown area.

- 15.04 – The project will generate new real estate tax revenue for the City as well new economic benefits for local businesses with the redevelopment of multiple buildings.
- 15.05 – The project is located along the river front park and walkway as well as bordered by two City sidewalks. It will be unusually friendly and conducive to the neighborhood and pedestrian traffic.
- 15.06 – The project will re-use significant and historic buildings.
- 15.07 – The project will allow phased development.
- 15.08 – The proposed PUD allows flexibility to utilize existing buildings as well as the future construction of new buildings.
- 15.09 – The proposed PUD allows the efficient use of the land and buildings.
- 15.10 – The proposed PUD will have no adverse impacts and will promote efficient pedestrian access and circulation.
- 15.11 – The PUD provides for the redevelopment of the site and buildings which have fallen into disrepair.
- 15.12 – The exteriors of the existing buildings are consistent with each other and new materials will coordinate and compliment architectural styles and building forms within the PUD.
- 15.13 – The quality of construction will meet or exceed that of other buildings in and around the City.

The proposed PUD meets the Qualifying Conditions of:

- 1. Ownership – The property is under one ownership.
- 2. d – The project will constitute the significant redevelopment of an under utilized and vacant property where conventional development is not feasible.

Section 15.10 *(These responses correlate to pages 3 and 4 of the PUD application)*

- 15.10 A. As demonstrated above, the proposed PUD complies with the purposes and qualifying conditions of Section 15.01 and 15.02.
- 15.10 B. – The uses within the proposed PUD are consistent with the policies of the Master Plan. Additionally, the uses further and promote the objectives of the Master Plan including the rehabilitation of cultural and historic buildings. The promotion of pedestrian friendly environments. Increasing downtown housing and bringing economic benefits to the City.
- 15.10 C. – The proposed PUD is residential in nature and complimentary to the residential uses adjacent to it. It will be constructed and maintained in a manner harmonious with those uses and within the capacity of the City's services.
- 15.10 D. – As stated, the proposed PUD is residential and will not be hazardous to the adjacent uses of the property nor will any of the adverse conditions referenced in 15.10 D exist.
- 15.10 E. – The proposed uses within the PUD will not place demands on the City's public services greater than their current and contemplated future ability to handle.
- 15.10 F. – The proposed PUD will satisfy all local, state and federal rules and regulations.

**Requested Deviations from Underlying Zoning**

<b>Zoning:</b> Mixed Use - PUD	No deviation requested. Proposed front setbacks: 0-feet minimum; 10-foot maximum
<b>Parking:</b> 67-spaces proposed on site. Additional 103-spaces within 400-feet of project.	Request deviation to allow parking in the front yard for Phase 2.
<b>Site Access:</b> Proposed private drives from King Street and Monroe Street.	No deviation requested.
<b>Public Utilities:</b> Proposed public water, sewer and storm management connections and private utility service connections (gas, phone, electric, cable, etc.)	No deviation requested.
<b>Site Lighting:</b> Site lighting will be in accordance with the City's ordinance.	No deviation requested.
<b>Signage:</b> Proposed signage will be in accordance with the City Zoning Ordinance.	No deviation requested.





SCALE: 1" = 100'

FILE NO. 181278-PARKEHIBIT

**LEGEND**

- - IRON STAKE — SET
- - IRON FOUND
- - WOOD STAKE
- R - RECORDED DIMENSION
- D - DEED DIMENSION
- M - MEASURED DIMENSION
- C - CENTER LINE
- x-x - FENCE LINE



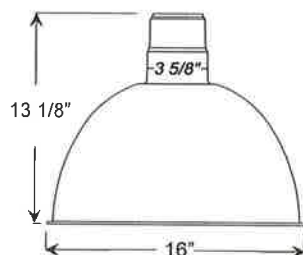
5055 PLAINFIELD AVE. NE  
GRAND RAPIDS, MI 49525  
TELE. (616) 361-7220  
FAX (616) 361-1822

**AVAILABLE PUBLIC PARKING SPACES  
WITHIN 400 FEET  
OF RIVER VIEW FLATS**

PREPARED FOR:  
UNITY SCHOOLS INVESTORS

DATE:  
6-12-2019



**D616**

LED

Weight: 1.5 lbs

Project: \_\_\_\_\_

Fixture Type: \_\_\_\_\_ Quantity: \_\_\_\_\_

Customer: \_\_\_\_\_

**Specifications****Material:**

RLM shades are constructed of heavy duty spun aluminum. Wall back plate and driver housing are cast aluminum. All fasteners are stainless steel. Inside of shade is reflective white finish for all colors except galvanized paint finish. Screw hardware may not match paint.

**Electrical:**

GU24 socket, 120V only.  
Universal voltage 120-277 is standard.  
0-10V, TRIAC and ELV dimming protocols are standard for LED modules. (12w is TRIAC dimming & 120v only)

See page 2 table for LED module and driver specs, voltage and dimming protocols.

**Certifications:**

Cord mounts are UL Listed for dry locations.  
Arm mount, stem mount and wall mount are UL Listed for wet locations.

**Finish:**

A polyester powder coat high quality finish is electro-statically applied and baked at 430° for exceptional durability and color retention. Products undergo an intensive five-step cleansing and pretreatment process for maximum paint adhesion.

Marine grade finish provides superior salt, humidity and UV protection. This coating withstands up to 3000 hours of continuous salt spray, comes with a 5-year warranty and is available in either a textured or gloss surface.

**Modifications:**

Consult factory for custom or modified luminaires.

**Catalog Logic**

**D616** **M016LD** **D** **W** **40K** **RTC** **UNV** **E6** **SWL** **41**

RLM Style

Light Source &amp; Voltage

Dimming

Distribution

CCT

Driver Housing

Voltage

Mounting

Accessories

Finish

**Catalog Number**

1

2

3

4

5

6

7

8

9

**D616****M016LD****D****W****40K****RTC****UNV****E6****1 LIGHT SOURCE & WATTAGES**

GU24	(GU24 Socket Only, 120V only)
M012LD	(12w, 750 lumen, Cree module; Integral driver, 120V, TRIAC dimming & narrow distribution only)
M009LD	(9w, 850 lumen, Cree module)
M019LD	(19w, 1250 lumen, Cree module)
M013LD	(13w, 1250 lumen, Cree module)
<b>M016LD</b>	<b>(16w, 2000 lumen, Cree module)</b>

**2 DIMMING****D** (Dimming)

See page 2 table for LED engine and driver specs, voltage and dimming protocols.

**3 DISTRIBUTION****W** (T5 Wide Distribution with Dome LED Lens)**N** (T5 Narrow Distribution with Flat LED Lens)

\*12w is narrow only, select "N".

**4 COLOR TEMPERATURE (CCT)**

27K	(2700K)
30K	(3000K) (Not Sunset Dim)
35K	(3500K) (Not Sunset Dim)
<b>40K</b>	<b>(4000K) (Not Sunset Dim)</b>

**5 DRIVER HOUSING****RTC** (Driver Canopy)

RTCNC (Driver Canopy No Spun Cover)

NA (Housing not required for 12w)

**6 VOLTAGE****UNV** (120-277)**7 MOUNTING SOURCES**

Arm Mounts (Cast back plate included (CB))

**E3** **E4** **E6** **E8** **E9**

E10 E11 E12 E13 E15 E18

E19 E25

(See Step 5 for Driver Housing Options)

Wall Mounts

WM40

WM54

WM74

WM317

WM84

Post Mounts  
(Postline driver only, 4" OD/ 125 pole required)

PM10

PM20

PM30

PM40

PM50

PM319

Cord Mounts

BLC (6 black cord with 1" x 5 3/8" canopy)

WKC (6 white cord with 1" x 5 3/8" canopy)

Stem Mounts

1/2" (19/16" OD) Rigid Stems with STC Flat Canopy

2ST6 2ST12 2ST18 2ST24 2ST36 2ST48

2ST60 2ST72 2ST96

3/4" (1" OD) Rigid Stems with STC Flat Canopy

3ST6 3ST12 3ST18 3ST24 3ST36 3ST48

3ST60 3ST72 3ST96

(See Step 6 for Driver Housing Options)

**8 ACCESSORIES**

CBC (Cast back plate Spun Alum Cover)

GR16 (16" Wire Grill)

PC (Button Photo Cell) Remote Only

SC (Scroll for Arms)

SLC (Sloped Ceiling Mount, 20" Max)

SQ (Square Back Plate)

SWL (Swivel)

TBK (Turn Buckle Kit)

**9 FINISHES**

Standard Grade	Marine Grade		Standard Grade	Marine Grade	
40	NA	Raw Unfinished	53	100	Copper Clay
41	101	Black	56	109	Silver
42	102	Forest Green	61	106	Black Verde
43	114	Bright Red	70	118	Painted Chrome
44	107	White	71	105	Painted Copper
45	112	Bright Blue	72	108	Textured Black
46	123	Sunny Yellow	73	125	Matte Black
47	120	Aqua Green	76	121	Textured Architectural Bronze
49	NA	Galvanized	77	127	Textured White
50	111	Navy	78	124	Textured Silver
51	103	Architectural Bronze	10	130	Aspen Green
52	104	Patina Verde	11	131	Cantaloupe
12	133	Lilac	13	132	Putty

Premium Grade	Marine Grade		Premium Grade	Marine Grade	
81	129	Extreme Chrome	64	116	Candy Apple Red
80	117	Textured Desert Stone	65	122	Cobalt Blue
67	119	Butterscotch	82	128	Graystone
66	115	Caramel	69	113	Gunmetal Gray
68	126	Black Silver	83	134	Oil Rubbed Bronze

Consult factory for additional paint charges and availability

Project: \_\_\_\_\_

Fixture Type: \_\_\_\_\_ Quantity: \_\_\_\_\_

Customer: \_\_\_\_\_

**LED PERFORMANCE****MODULE**

LED Wattage	CCT	Typical Luminous Flux	System Wattage	Typical Efficacy
9W	2700K	850	11W	97
	3000K	850	11W	97
	3500K	850	11W	97
	4000K	850	11W	97
10W	2700K	1250	12W	125
	3000K	1250	12W	125
	3500K	1250	12W	125
	4000K	1250	12W	125
12W	2700K	750	12W	65
	3000K	750	12W	65
	3500K	750	12W	65
	4000K	750	12W	65
16W	2700K	2000	19W	125
	3000K	2000	19W	125
	3500K	2000	19W	125
	4000K	2000	19W	125

**MODULE SPECIFICATION**

- Efficacy 65-125 lumens per watt
- Dimmable down to 1%
- Life: L70 50,000 hours
- Color temp: 2700K, 3000K, 3500K and 4000K
- CRI: >90

**MODULE DRIVER SPECIFICATION**

- Input Voltage: 120-277 Volts; 50/60Hz
- 0-10V, TRIAC and ELV dimming protocols are standard. (24w is 0-10v only)
- Output Current: Constant Current: 440mA to 940mA (model dependent)
- Driver Efficiency > 80%; Power Factor > 0.9
- Integral Surge Protection in conformance to ANSI C62.41 Category A

**MODULE LISTINGS**

- Fully compliant with the RoHS Directive
- Certifications: CE/UL

**WARRANTY**

See [www.anplighting.com](http://www.anplighting.com) for complete fixture warranty.

LED warranty information

- 5 year limited warranty\*

\*Limited Warranty: A typical year is defined as 4380 hours of operation.

Project: \_\_\_\_\_

Fixture Type: \_\_\_\_\_ Quantity: \_\_\_\_\_

Customer: \_\_\_\_\_

**ARM MOUNTS** | Dimensions are Projection x Height | CB included with all arms**E3** | 32" x 11 7/8"**E4** | 26" x 14"**E6** | 26" x 9 1/4"**E8** | 29 1/4" x 12 1/2"**E9** | 28" x 40 5/8"**E10** | 52 1/4" x 18"**E11** | 35 1/4" x 17 1/4"**E12** | 37 3/8" x 2"**E13** | 34" x 34 3/8"**E15** | 13 3/8" x 10 1/2"**E18** | 27 3/4" x 21 3/8"**E19** | 22 3/4" x 95 1/8"**E25** | 23" x 5 1/4"**Driver Housing****RTC****RTCNC****WALL MOUNTS** | Dimensions are Projection x Height | **POST MOUNTS** | Dimensions are Projection x Height**WM40** | 13 7/8" x 14 3/4"**WM54** | 23 3/8" x 18"**PM10** | 14 1/2" x 25"**PM20** | 30 1/8" x 25"**WM74** | 22" x 26 1/2"**WM317** | 15" x 12 3/4"**PM30** | 21 5/8" x 28 7/8"**PM40** | 43 3/8" x 28 7/8"**WM84** | 26 1/2" x 57 1/4"**PM50** | 27" x 38"**PM319** | 16 5/8" x 27 1/2"**ACCESSORIES****CBC****GR16****PC****SC****SLC****SQ****SWL****TBK**



## DESCRIPTION

The patented Lumark Crosstour™ LED Wall Pack Series of luminaires provides an architectural style with super bright, energy efficient LEDs. The low-profile, rugged die-cast aluminum construction, universal back box, stainless steel hardware along with a sealed and gasketed optical compartment make the Crosstour impervious to contaminants. The Crosstour wall luminaire is ideal for wall/surface, inverted mount for façade/canopy illumination, post/bollard, site lighting, floodlight and low level pathway illumination including stairs. Typical applications include building entrances, multi-use facilities, apartment buildings, institutions, schools, stairways and loading docks test.

## SPECIFICATION FEATURES

### Construction

Slim, low-profile LED design with rugged one-piece, die-cast aluminum hinged removable door and back box. Matching housing styles incorporate both a small and medium design. The small housing is available in 12W, 18W and 26W. The medium housing is available in the 38W model. Patented secure lock hinge feature allows for safe and easy tool-less electrical connections with the supplied push-in connectors. Back box includes three half-inch, NPT threaded conduit entry points. The universal back box supports both the small and medium forms and mounts to standard 3-1/2" to 4" round and octagonal, 4" square, single gang and masonry junction boxes. Key hole gasket allows for adaptation to junction box or wall. External fin design extracts heat from the fixture surface. One-piece silicone gasket seals door and back box. Minimum 5" wide pole for site lighting application. Not recommended for car wash applications.

### Optical

Silicone sealed optical LED chamber incorporates a custom engineered mirrored anodized reflector providing high-efficiency illumination. Optical assembly includes impact-resistant tempered glass and meets IESNA requirements for full cutoff compliance. Available in seven lumen packages; 5000K and 4000K CCT.

### Electrical

LED driver is mounted to the die-cast housing for optimal heat sinking. LED thermal management system incorporates both conduction and natural convection to transfer heat rapidly away from the LED source. 12W, 18W, 26W and 38W series operate in -40°C to 40°C [-40°F to 104°F]. High ambient 50°C models available. Crosstour luminaires maintain greater than 89% of initial light output after 72,000 hours of operation. Three half-inch NPT threaded conduit entry points allow for thru-branch wiring. Back box is an authorized

electrical wiring compartment. Integral LED electronic driver incorporates surge protection. 120-277V 50/60Hz or 347V 60Hz models.

### Finish

Crosstour is protected with a Super durable TGIC carbon bronze or summit white polyester powder coat paint. Super durable TGIC powder coat paint finishes withstand extreme climate conditions while providing optimal color and gloss retention of the installed life.

### Warranty

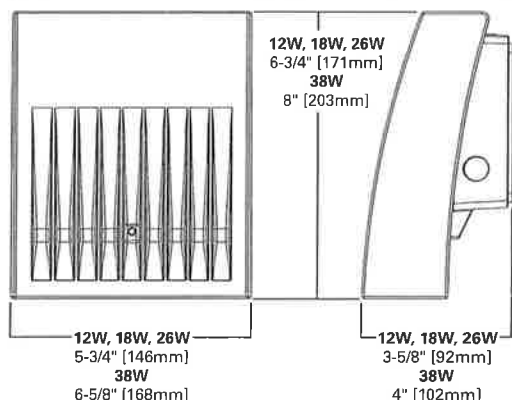
Five-year warranty.



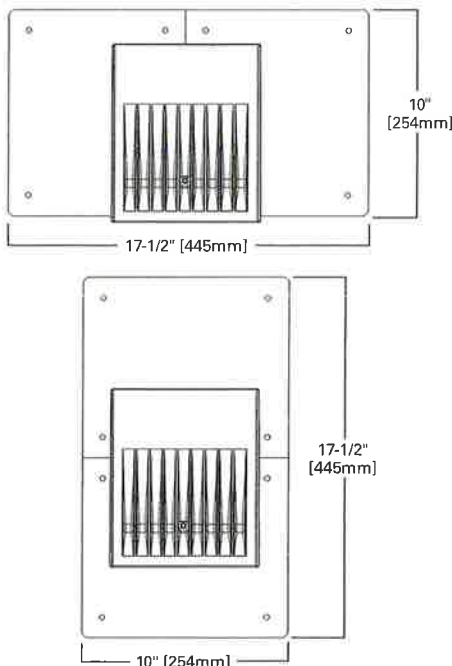
## XTOR CROSSTOUR LED

**APPLICATIONS:**  
WALL / SURFACE  
POST / BOLLARD  
LOW LEVEL  
FLOODLIGHT  
INVERTED  
SITE LIGHTING

## DIMENSIONS



## ESCUTCHEON PLATES



## CERTIFICATION DATA

UL/cUL Wet Location Listed  
LM79 / LM80 Compliant  
ROHS Compliant  
ADA Compliant  
NOM Compliant Models  
IP66 Ingressed Protection Rated  
Title 24 Compliant  
DesignLights Consortium™ Qualified\*

## TECHNICAL DATA

40°C Maximum Ambient Temperature  
External Supply Wiring 90°C Minimum

## EPA

Effective Projected Area (Sq. Ft.):  
XTOR1B, XTOR2B, XTOR3B=0.34  
XTOR4B=0.45

## SHIPPING DATA:

Approximate Net Weight:  
3.7 – 5.25 lbs. (1.7 – 2.4 kgs.)

## LUMENS - CRI/CCT TABLE

LED Information	XTOR1B	XTOR1B-W	XTOR2B	XTOR2B-W	XTOR3B	XTOR3B-W	XTOR4B	XTOR4B-W
Delivered Lumens (Wall Mount)	1,418	1,396	2,135	2,103	2,751	2,710	4,269	4,205
Delivered Lumens (With Flood Accessory Kit) <sup>1</sup>	1,005	990	1,495	1,472	2,099	2,068	3,168	3,121
B.U.G. Rating <sup>2</sup>	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B2-U0-G0	B2-U0-G0
CCT (Kelvin)	5,000	4,000	5,000	4,000	5,000	4,000	5,000	4,000
CRI (Color Rendering Index)	70	70	70	70	70	70	70	70
Power Consumption (Watts)	12W	12W	18W	18W	26W	26W	38W	38W

NOTES: 1 Includes shield and visor. 2 B.U.G. Rating does not apply to floodlighting.

## CURRENT DRAW

Voltage	Model Series			
	XTOR1B	XTOR2B	XTOR3B	XTOR4B
120V	0.103A	0.15A	0.22A	0.34A
208V	0.060A	0.09A	0.13A	0.17A
240V	0.053A	0.08A	0.11A	0.17A
277V	0.048A	0.07A	0.10A	0.15A
347V	0.039A	0.06A	0.082A	0.12A

## ORDERING INFORMATION

Sample Number: XTOR2B-W-WT-PC1

Series	LED Kelvin Color	Housing Color	Options (Add as Suffix)	Accessories (Order Separately)
XTOR1B=Small Door, 12W XTOR2B=Small Door, 18W XTOR3B=Small Door, 26W XTOR4B=Medium Door, 38W	[Blank]=Bright White (Standard), 5000K W=Neutral White, 4000K	[Blank]=Carbon Bronze (Standard) WT=Summit White BK=Black BZ=Bronze AP=Grey GM=Graphite Metallic DP=Dark Platinum	PC1=Photocontrol 120V <sup>1</sup> PC2=Photocontrol 208-277V <sup>1,2</sup> 347V=347V <sup>3</sup> HA=50°C High Ambient <sup>3</sup>	WG/XTOR=Wire Guard <sup>4</sup> XTORFLD-KNC=Knuckle Floodlight Kit <sup>5</sup> XTORFLD-TRN=Trunnion Floodlight Kit <sup>5</sup> XTORFLD-KNC-WT=Knuckle Floodlight Kit, Summit White <sup>5</sup> XTORFLD-TRN-WT=Trunnion Floodlight Kit, Summit White <sup>5</sup> EWP/XTOR=Escutcheon Wall Plate, Carbon Bronze EWP/XTOR-WT=Escutcheon Wall Plate, Summit White

## NOTES:

1. Photocontrols are factory installed.
2. Order PC2 for 347V models.
3. Thru-branch wiring not available with HA option or with 347V. Not available with XTOR3B and XTOR4B.
4. Wire guard for wall/surface mount. Not for use with floodlight kit accessory.
5. Floodlight kit accessory supplied with knuckle (KNC) or trunnion (TRN) base, small and large top visors and small and large impact shields.

## STOCK ORDERING INFORMATION

12W Series	18W Series	26W Series	38W Series
XTOR1B=7W, 5000K, Carbon Bronze	XTOR2B=18W, 5000K, Carbon Bronze	XTOR3B=26W, 5000K, Carbon Bronze	XTOR4B=38W, 5000K, Carbon Bronze
XTOR1B-WT=12W, 5000K, Summit White	XTOR2B-W=18W, 4000K, Carbon Bronze	XTOR3B-W=26W, 4000K, Carbon Bronze	XTOR4B-W=38W, 4000K, Carbon Bronze
XTOR1B-PC1=12W, 5000K, 120V PC, Carbon Bronze	XTOR2B-WT=18W, 5000K, Summit White	XTOR3B-WT=26W, 5000K, Summit White	XTOR4B-WT=38W, 5000K, Summit White
XTOR1B-W=12W, 4000K, Carbon Bronze	XTOR2B-PC1=18W, 5000K, 120V PC, Carbon Bronze	XTOR3B-PC1=26W, 5000K, 120V PC, Carbon Bronze	XTOR4B-PC1=38W, 5000K, 120V PC, Carbon Bronze
XTOR1B-W-PC1=12W, 4000K, 120V PC, Carbon Bronze	XTOR2B-W-PC1=18W, 4000K, 120V PC, Carbon Bronze		XTOR4B-W-PC1=38W, 4000K, 120V PC, Carbon Bronze

## DESCRIPTION

The Prevail LED area, site luminaire combines optical performance, energy efficiency and long term reliability in an advanced, patent pending modern design. Utilizing the latest LED technology, the Prevail luminaire delivers unparalleled uniformity resulting in greater pole spacing. A versatile mount standard arm facilitates ease of installation for both retrofit and new installations. With energy savings greater than 62%, the Prevail fixture replaces 150-400W metal halide fixtures in general area lighting applications such as parking lots, walkways, roadways and building areas.

## SPECIFICATION FEATURES

### Construction

Construction is comprised of a heavy-duty, single-piece die-cast aluminum housing. The LED drivers are mounted in direct contact with the casting to promote low operating temperature and long life. The die-cast aluminum door is tethered to provide easy access to the driver if replacement is required. A one-piece silicone gasket seals the door to the fixture housing. The optics is mounted on a versatile, aluminum plate that dissipates heat from the LEDs resulting in longer life of the fixture. The fixture is IP66 and 3G vibration rated (ANSI C136.31) to insure strength of construction and longevity in the selected application.

### Optics

Precision molded, high efficiency optics are precisely designed to shape the distribution, maximizing efficiency and application spacing. Available in Type II, III, IV and V distributions with lumen packages ranging from 6,100 to 18,900 nominal lumens. Light engine configurations consist of 1 or 2 high-efficacy LEDs mounted to metal-core circuit boards to maximize heat dissipation and promote long life (up to L92/60,000 hours at 25°C) per IESNA TM-21. For the ultimate level of spill light control, an optional house side shield accessory can be field or factory installed.

### Electrical

LED drivers are mounted to the fixture for optimal heat sinking and ease of maintenance. Thermal management incorporates both conduction and convection to transfer heat rapidly away from the LED source for optimal efficiency and light output. Class 1 electronic drivers have a power factor >90%, THD <20%, and an expected life of 100,000 hours with <1% failure rate. Available in 120-277V 50/60Hz, 347V 60Hz or 480V 60Hz operation. 480V is compatible for use with 480V Wye systems only. 10kV/10 kA surge protection standard. 0-10V dimming driver is standard with leads external to the fixture to accommodate controls capability such as dimming and occupancy. Suitable for ambient temperatures from -40°C to 40°C. Optional 50°C HA (high ambient) available. Standard NEMA 3-PIN twistlock photocontrol receptacle and NEMA 7-PIN twistlock photocontrol receptacles are available as options.

### Controls

The Prevail LED luminaire control options are designed to be simple and cost-effective ASHRAE and California Title 24 compliant solutions. The ANSI C136.41 compliant NEMA 7-PIN receptacle enables wireless dimming when used with compatible photocontrol. An integrated dimming and occupancy sensor is a standalone control option available in on/off (MSP) and bi-level dimming

(MSP/DIM) operation. The optional LumaWatt system is best described as a peer-to-peer wireless network of luminaire-integral sensors that operate in accordance with programmable profiles. Each sensor is capable of motion and photo sensing, metering power consumption and wireless communication.

### Mounting

Standard pole mount arm is bolted directly to the pole and the fixture slides onto the arm and locks in place with a bolt facilitating quick and easy installation. The versatile, patent pending, standard mount arm accommodates multiple drill patterns ranging from 1-1/2" to 4-7/8". Removal of the door on the standard mounting arm enables round pole mounting. Wall mount and mast arm mounting options are available. Mast arm adapter fits 2-3/8" O.D. tenon.

### Finish

Housing and cast parts finished in five-stage super TGIC polyester powder coat paint, 2.5 mil nominal thickness for superior protection against fade and wear. Standard color is bronze. Additional colors available in white, grey, black, dark platinum and graphite metallic.

### Warranty

Five-year warranty.



## PRV PREVAIL

LED

AREA / SITE / ROADWAY  
LUMINAIRE



### CERTIFICATION DATA

UL and cUL Wet Location Listed  
IP66-Rated  
3G Vibration Rated  
ISO 9001  
DesignLights Consortium™ Qualified\*

### ENERGY DATA

**Electronic LED Driver**  
0.9 Power Factor  
<20% Total Harmonic Distortion  
120-277V/50 and 60Hz,  
347V/60Hz, 480V/60Hz  
-40°C Minimum Temperature Rating  
+40°C Ambient Temperature Rating

### EPA

Effective Projected Area (Sq. Ft.): 0.75

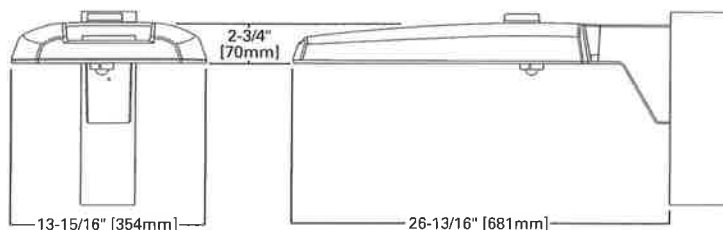
### SHIPPING DATA

Approximate Net Weight:  
20 lbs. (9.09 kgs.)

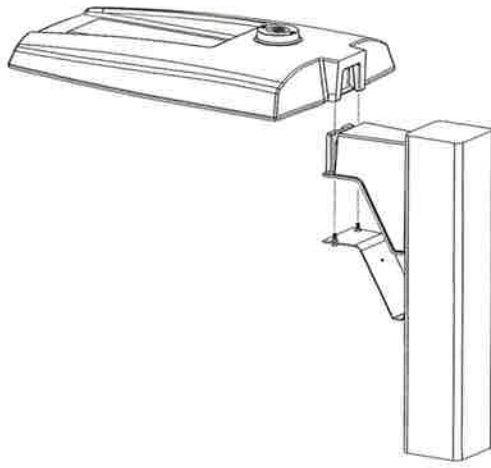


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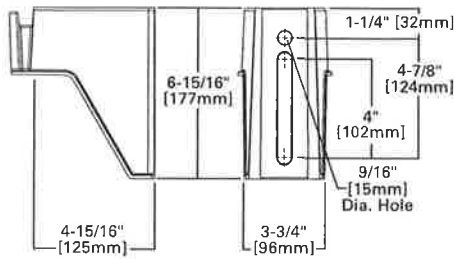
## DIMENSIONS



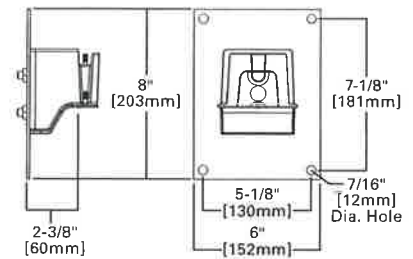
## VERSATILE MOUNT SYSTEM



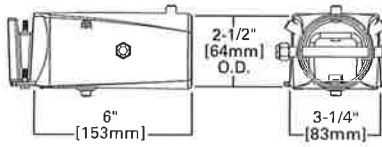
## POLE MOUNT ARM



## WALL MOUNT



## MAST ARM MOUNT



## MOUNTING CONFIGURATIONS AND EPAS

## Wall Mount

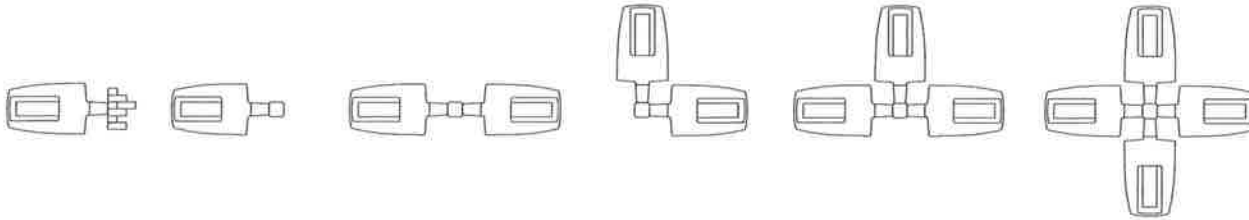
Arm Mount Single  
EPA 0.75

Arm Mount 2 @ 180°  
EPA 1.50

Arm Mount 2 @ 90°  
EPA 1.50

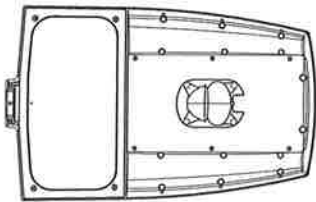
Arm Mount 3 @ 90°  
EPA 2.25

Arm Mount 4 @ 90°  
EPA 3.00

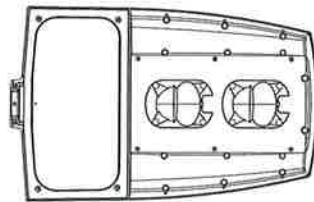


## OPTICAL CONFIGURATIONS

## A15 (6,100 Nominal Lumens)



## A25/A40/A60 (10,200/15,100/18,900 Nominal Lumens)



## POWER AND LUMENS

Light Engine		A15	A25	A40	A60
Nominal Power (Watts)		57W	87W	143W	163W
Input Current @ 120V (A)		0.49	0.76	1.23	1.34
Input Current @ 277V (A)		0.22	0.35	0.54	0.60
Input Current @ 347V (A)		0.18	0.28	0.45	0.49
Input Current @ 480V (A)		0.13	0.21	0.33	0.35
Type II	Lumens	6,139	10,204	15,073	18,830
	BUG Rating	B1-U0-G1	B2-U0-G2	B3-U0-G3	B3-U0-G3
Type III	Lumens	6,192	10,292	15,203	18,992
	BUG Rating	B1-U0-G2	B2-U0-G3	B2-U0-G3	B3-U0-G4
Type IV	Lumens	6,173	10,261	15,157	18,935
	BUG Rating	B1-U0-G3	B2-U0-G3	B2-U0-G4	B2-U0-G5
Type V	Lumens	6,393	10,627	15,697	19,610
	BUG Rating	B3-U0-G3	B4-U0-G3	B4-U0-G4	B5-U0-G4

NOTE: Lumen output for standard bronze fixture color. Different housing colors impact lumen output. IES files for the non-standard colors are available upon request.

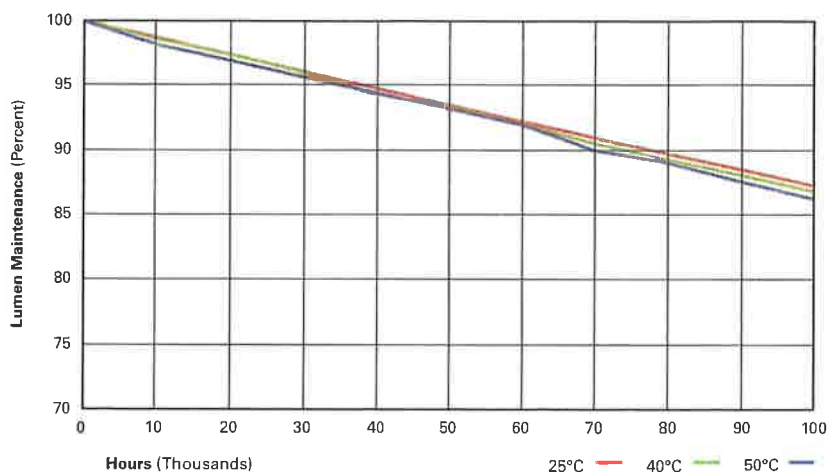


## LUMEN MAINTENANCE

Ambient Temperature	25,000 Hours*	50,000 Hours*	60,000 Hours*	Theoretical 100,000 Hours	Theoretical L70 (Hours)*
25°C	> 96%	> 93%	> 92%	> 87%	> 260,000
40°C	> 96%	> 93%	> 92%	> 87%	> 255,000
50°C	> 95%	> 92%	> 91%	> 86%	> 250,000

## LUMEN MULTIPLIER

Ambient Temperature	Lumen Multiplier
10°C	1.02
15°C	1.01
25°C	1.00
40°C	0.99



## ORDERING INFORMATION

Sample Number: PRV-A25-D-UNV-T3-SA-BZ

Product Family <sup>1,2</sup>	Light Engine <sup>3</sup>	Driver <sup>4</sup>	Voltage	Distribution	Mounting	Color <sup>6</sup>
PRV=Prevail	A15=(1 LED) 6,100 Nominal Lumens A25=(2 LEDs) 10,200 Nominal Lumens A40=(2 LEDs) 15,100 Nominal Lumens A60=(2 LEDs) 18,900 Nominal Lumens	D=Dimming (0-10V)	UNV=Universal (120-277V) 347=347V 480=480V <sup>5</sup>	T2=Type II T3=Type III T4=Type IV T5=Type V	SA=Standard Versatile Arm MA=Mast Arm WM=Wall Mount Arm	AP=Grey BZ=Bronze (Standard) BK=Black DP=Dark Platinum GM=Graphite Metallic WH=White
Options (Add as Suffix)				Accessories (Order Separately) <sup>11</sup>		
7030=70 CRI / 3000K CCT <sup>7</sup> 7050=70 CRI / 5000K CCT <sup>7</sup> 10K=10kV/10kA UL 1449 Fused Surge Protective Device DIMRF-LW=LumaWatt Wireless Sensor, Wide Lens for 8' - 16' Mounting Height <sup>8,9</sup> DIMRF-LN=LumaWatt Wireless Sensor, Narrow Lens for 16' - 40' Mounting Height <sup>8,9</sup> MSP/DIM-L12=Integrated Sensor for Dimming Operation, 8' - 12' Mounting Height MSP/DIM-L30=Integrated Sensor for Dimming Operation, 12' - 30' Mounting Height MSP-L12=Integrated Sensor for ON/OFF Operation, 8' - 12' Mounting Height MSP-L30=Integrated Sensor for ON/OFF Operation, 12' - 30' Mounting Height PER=NEMA 3-PIN Twistlock Photocontrol Receptacle <sup>10</sup> PER7=NEMA 7-PIN Twistlock Photocontrol Receptacle <sup>10</sup> HSS=House Side Shield HA=50°C High Ambient Temperature				PRVWM-XX=Wall Mount Kit PRVMA-XX=Mast Arm Mounting Kit PRVSA-XX=Standard Arm Mounting Kit HS/VERD=House Side Shield MA1010-XX=Single Tenon Adapter for 3-1/2" O.D. Tenon MA1011-XX=2@180° Tenon Adapter for 3-1/2" O.D. Tenon MA1012-XX=3@120° Tenon Adapter for 3-1/2" O.D. Tenon MA1013-XX=4@90° Tenon Adapter for 3-1/2" O.D. Tenon MA1014-XX=2@90° Tenon Adapter for 3-1/2" O.D. Tenon MA1015-XX=2@120° Tenon Adapter for 3-1/2" O.D. Tenon MA1016-XX=3@90° Tenon Adapter for 3-1/2" O.D. Tenon MA1017-XX=Single Tenon Adapter for 2-3/8" O.D. Tenon MA1018-XX=2@180° Tenon Adapter for 2-3/8" O.D. Tenon MA1019-XX=3@120° Tenon Adapter for 2-3/8" O.D. Tenon MA1045-XX=4@90° Tenon Adapter for 2-3/8" O.D. Tenon MA1048-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon MA1049-XX=3@90° Tenon Adapter for 2-3/8" O.D. Tenon MA1191-XX=2@120° Tenon Adapter for 2-3/8" O.D. Tenon OA/RA1013=Photocontrol Shorting Cap OA/RA1014=NEMA Photocontrol - 120V OA/RA1016=NEMA Photocontrol - Multi-Tap 105-285V OA/RA1027=NEMA Photocontrol - 480V OA/RA1201=NEMA Photocontrol - 347V ISHH-01=Integrated Sensor Programming Remote		

## NOTES:

- Customer is responsible for engineering analysis to confirm pole and fixture compatibility for all applications. Refer to installation instructions IB500002EN and pole white paper WP513001EN for additional support information.
- DesignLights Consortium™ Qualified and classified for both DLC Standard and DLC Premium, refer to [www.designlights.org](http://www.designlights.org) for details.
- Standard 4000K CCT and 70 CRI.
- Consult factory for driver surge protection values.
- Only for use with 480V Wye systems. Per NEC, not for use with ungrounded systems, impedance grounded systems or corner grounded systems (commonly known as Three Phase Three Wire Delta, Three Phase High Leg Delta and Three Phase Corner Grounded Delta systems).
- Different housing colors impact lumen output. IES files for the non-standard colors are available upon request.
- Extended lead times apply. Use dedicated IES files for 3000K and 5000K when performing layouts. These files are published on the Prevail luminaire product page on the website.
- LumaWatt wireless sensors are factory installed and require network components RF-EM-1, RF-GW-1 and RF-ROUT-1 in appropriate quantities. See website for LumaWatt application information.
- LumaWatt wireless system is not available with photocontrol receptacle (Not needed).
- Not available with MSP or DIMRF options.
- Replace XX with paint color.

## STOCK ORDERING INFORMATION

Stock Sample Number: PRVS-A25-UNV-T3

Product Family	Light Engine	Voltage	Distribution	Options (Add as Suffix)
PRVS=Prevail	A15=(1 LED) 6,100 Nominal Lumens A25=(2 LEDs) 10,200 Nominal Lumens A40=(2 LEDs) 15,100 Nominal Lumens A60=(2 LEDs) 18,900 Nominal Lumens	UNV=Universal (120-277V) 347=347V	T3=Type III T4=Type IV	MSP/DIM-L30=Integrated Sensor for Dimming Operation, Maximum 30' Mounting Height

NOTE: Bronze only, 4000K CCT, 120-277V, 347V, standard mounting arm, standard non-fused 10kV MOV and 0-10V dimming.

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engineers | surveyors | planners

## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** July 3, 2019  
**From:** Andy Moore, AICP  
Whitney Newberry  
**RE:** CBD (Cannabidiol) Oil Sales

With the approval of recreational marihuana in Michigan in 2018, CBD businesses have become more popular throughout many municipalities. Several factors have contributed to its recent popularity, but there are also many uncertainties associated with its use. The use of CBD oil and recent approval of recreational marihuana has been accompanied by confusion regarding what federal and state regulations permit and prohibit. The purpose of this memorandum is to provide a background of CBD products, review current regulations, and define implications for the City of Lowell.

**Industrial Hemp vs. Marihuana.** The difference between industrial hemp and marihuana is based on their biochemical compositions. Industrial hemp is a substance that has been derived from a cannabis plant with delta-9-THC concentrations below 0.3%. If the cannabis plant with delta-9-THC contains concentrations above 0.3%, it is termed "marihuana." Both industrial hemp and marihuana include cannabidiol (CBD) and THC chemicals. A primary difference between marihuana and industrial hemp is the concentration of THC present in each. The concentration of THC is responsible for creating psychoactive or psychological effects, which is higher in marihuana. Because CBD oil and related products are substances derived from plants with less than 0.3% THC, it is not reported to have psychoactive or psychological effects, and thus not subject to the MTRMA.

**Increased Popularity.** Several laws were passed in 2018 that were related to the cannabis plant, bringing its use to the forefront. At the federal level, the 2018 Farm Bill legalized the growth of industrial hemp that has a THC concentration of no more than 0.3% by removing hemp-derived products from schedule I status under the Controlled Substances Act.

At the state level, PA 641, 642, and 648 were passed in December 2018. These Michigan laws require firms to be licensed by the Michigan Department of Agriculture & Rural Development (MDARD) before growing, processing, or marketing industrial hemp. Further, they amended the Public Health Code's definition of industrial hemp and marihuana, and allow LARA to create regulations for the sale of industrial hemp at provisioning centers. These acts state that CBD oil derived from hemp falls under the definition of "industrial hemp" instead of "marihuana". As a result, a medical marihuana card is not necessary to purchase CBD oil or similar products.

Therefore, the removal of hemp-derived products from the list of controlled substances has contributed to the recent interest in and expansion of CBD oil in retail businesses.

**Current Regulations.** Federally, the 2018 Farm Bill altered regulatory actions related to industrial hemp, including its removal from the Controlled Substances Act. This does not legalize CBD generally; rather, this bill created an exception to the Schedule I status, legalizing it only if the hemp is produced in a manner consistent with the Farm Bill, federal regulations, state regulations, and production by a licensed grower. CBD produced in any other setting is still considered a Schedule I substance. Compared to the 2014 Farm Bill, the definition of industrial hemp was expanded and it was legalized under certain restrictions.

The 2018 Farm Bill also allowed state departments of agriculture to become certified by the United States Department of Agriculture (USDA) in order to regulate industrial hemp growers. States may submit a plan and apply for primary regulatory authority over the production of hemp and the state plan must include certain requirements as outlined in the Bill. In Michigan, a license is required from MDARD in order to grow industrial hemp. MDARD is currently working on developing a state industrial hemp plan in accordance with the 2018 Farm Bill. The state industrial hemp licensing law became effective on January 15, 2019, but the state is federally prohibited from issuing registrations or licenses until the state plan is submitted and approved by the USDA. The USDA is in the process of implementing a national program for industrial hemp production starting in the 2020 growing season. Therefore, Michigan has launched an industrial hemp agricultural pilot program for the 2019 planting season under the provisions of the 2014 Farm Bill, which allows industrial hemp to be grown for research purposes.

Currently, CBD products that are produced from cannabis plants with a THC content below 0.3% are not regulated as marijuana and not subject to marijuana regulations through the Michigan Department of Licensing and Regulatory Affairs (LARA). However, in order for any substance to be added to food or drink, or marketed as a dietary supplement, it must first be approved by the U.S. Food and Drug Administration (FDA). Currently, the FDA has not approved CBD and it is therefore illegal to add CBD into food products, drinks, or supplements. Additionally, the FDA maintains a list of substances that are generally regarded as safe (GRAS) to add to food or animal feed. As of December 20, 2018, hulled hemp seeds, hemp seed protein, and hemp seed oil were considered GRAS for human food, but not animal feed. CBD is currently not included on the list of GRAS substances as of April 18, 2019.

Due to the newness of CBD oil and lack of regulation under the FDA, standards for governance are not in place related to CBD oil purity and labeling. Therefore, labeling on products and their content may not always coincide. Labels can promote benefits that do not exist or have not been proven. It is illegal to market any CBD product as a dietary supplement or having health benefits. Therefore, although CBD oil has become popular in retail establishments, the lack of standards related to its retail use has created issues related to the purity of the oil and its proclaimed benefits and uses.

**Implications for Lowell.** The 2018 Farm Bill allows state departments of agriculture to be responsible for overseeing the production of industrial hemp. In Michigan, MDARD is responsible for granting licenses, once the state plan is approved by the USDA. Although regulations are being developed at the federal and state levels, we could not find any relevant research related to regulatory actions that could be taken by local municipalities. Due to the recent allowance of CBD oil, much research is still being conducted and regulations are still being created in federal and state governments. Therefore, it is unlikely that the City of Lowell has any control over CBD oil being sold in the City, as it is not treated as a controlled substance due to its low levels of THC.

Generally speaking, communities do not regulate the type of products that can be sold in retail establishments unless such products have clearly identifiable effects that warrant special regulation (e.g. certain sexually oriented merchandise, alcohol, etc). Since CBD does not have any such effects worthy of regulation (to our knowledge), special regulation by the City through zoning or other licensing is likely unnecessary at this time.

As always, please feel free to contact me if there are any questions.

c:     Mike Burns, City Manger  
       Dick Wendt, City Attorney

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
05/03/2019	05/07/2019	199 Smith Street	Optec Inc.	Fence
05/15.2019		1219 Laurie Gail	Sarah Kelly-Hometown Builders	Fence
05/14/2019	05/20/2019	1371 Highland Hill	Rochel Gridley	Deck
05/14/2019	05/20/2019	1410 W. Main	Midwest Sign-C. Cleaner	Sign

05/20/2019	05/21/2019	2111 W. main	Inside Renovation	Retail
05/22/2019	05/22/2019	177 S. West	Allen Reynolds	Inside Renovation
5/24/2019	05/28/2019	723 Lincoln Lake SE	Cory Brown	Fence
6/10/2019	06/03/2019	942 Sibley	Jarrold Cardis /Crystal Null	Fence
6/13/2019	06/12/2019	604 Lafayette	Sarah Kelly-Hometown Builders	Fence
6/14/2019		517 Lincoln Lake	Kris Luttermoser	Garage
6/14/2019		1400 W Main	Burger King	Sign
6/24/2019	06/24/2019	230 S Hudson	Ashley Stone	Fence
06/14/2019	06/25/2019	400 N. Washington	Brian Elias	Siding