



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

PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE  
CITY OF LOWELL, MICHIGAN  
AGENDA  
FOR THE REGULAR MEETING OF  
MONDAY, JULY 13, 2020 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 9, 2020 – Regular Meeting
4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
5. OLD BUSINESS
  - a. Mike Winick – Ada Lowell Self Storage – 2075 Bowes Road – Site Plan Re-Approval
  - b. Riverview Flats Site Plan Amendment
6. NEW BUSINESS
  - a. Public Hearing - Joyology - Special Land Use – 2399 W. Main Street
  - b. Public Hearing – Five Lakes Farm, LLC – Special Land Use – 2335 W. Main
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 08, 2020 AT 7:00 P.M.  
ZOOM MEETING**

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

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

Present: Commissioners Michael Gadula, Marty Chambers, Tony Ellis, Colin Plank, Dave Cadwallader and Chair Bruce Barker.

Absent: Commissioner Amanda Schrauben.

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

2. **EXCUSE OF ABSENCES.**

IT WAS MOVED BY CHAMBERS and seconded by ELLIS to excuse the absence of Commissioner Schrauben.

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

Chair Barker then made an apology for the error on the Zoom Planning Commission in May that did not allow everyone to get on the call to attend the meeting.

3. **APPROVAL OF AGENDA.**

IT WAS MOVED BY CHAMBERS and seconded by CADWALLADER to approve the agenda as corrected, removing new business.

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

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

Andrea Hedrick representing the applicant for 2335 W Main, wanted to comment regarding the concern on the setbacks for the north and west side of that property.

Chair Barker thanked her for taking the time to come and apologized that it is the commissioners policy not to deliberate without reviewing documentation and referred her to the city staff to get her the information she is requesting.

5.. **OLD BUSINESS.**

a. **Public Hearing – Lume Special Land Use – 1425 W. Main.**

Chair Barker opened the public hearing.

Andy Moore suggested to open public comments since the previous Zoom meeting was not working correctly. Chair Barker opened it up to public comment.

There were no comments.

Chair Barker closed the public hearing.

IT WAS MOVED BY BARKER and seconded by CADWALLADER to ratify the Lume Special Land Use at 1425 W. Main.

ROLL CALL: COMMISSIONER CADWALLADER, COMMISSIONER CHAMBERS, COMMISSIONER ELLIS, COMMISSIONER GADULA, COMMISSIONER PLANK, AND CHAIR BARKER.

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

b. Public Hearing – Rare Special Land Use – 2264 W. Main.

Chair Barker opened the public hearing.  
Andy Moore again suggested to open public comments.

John Pickens who is the lead pastor at First Baptist Church at 2275 W. Main expressed his concerns on the marijuana facilities' location, concerned with the church and its programs and the implications from the marijuana facility being near.

Andy Moore then explained the setback restrictions and Chair Barker also explained the process and deliberations the Planning Commission had gone through to determine its current outcome.

Robert Copeland who is an elder at First Baptist Church then expressed his feelings and stated he has seen many kids affected by marijuana and he believes this is a gateway drug.

Chair Barker then closed the public hearing.

IT WAS MOVED BY CHAMBERS and seconded by CADWALLADER to ratify the Rare Special Land Use at 2275 W. Main.

ROLL CALL: COMMISSIONER CADWALLADER, COMMISSIONER CHAMBERS, COMMISSIONER ELLIS, COMMISSIONER GADUALA, COMMISSIONER PLANK AND CHAIR BARKER.

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

c. Airbnb Update – 2179 Gee Drive – John Baar.

IT WAS MOVED BY CHAMBERS and seconded by BARKER to ratify the Special Land Use at 2179 Gee Drive as an Airbnb but to keep the number of vehicles at 6 and to review again in May of 2021.

ROLL CALL: COMMISSIONER CADWALLADER, COMMISSIONER CHAMBERS, COMMISSIONER ELLIS, COMMISSIONER GADUALA, COMMISSIONER PLANK AND CHAIR BARKER.

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

6. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING.

IT WAS MOVED BY CHAMBERS and seconded by CADWALLADER to approve the minutes of the May 11, 2020 Planning Commission regular meeting as written.

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

7. RIVERVIEW FLATS – SITE PLAN AMENDMENT.

Andy Moore of William and Works stated the purpose at this meeting is to have a preliminary. The applicant is planning a substantial change to the layout of Riverview Flats PUD. They are reconfiguring streets and parking. This is going to be a significant change and will need to come back to the Planning Commission next month for a

formal review and then will be recommend to City Council..

Todd Schaal then stated the resolution that we arrived at with the City some time ago has allowed us to improve the design, so we did so. It has allowed us to add more parking, more landscaping, and keep the drive internal. Schaal explained there are still phases and getting close to presenting phase 2.

8. **STAFF REPORT.**

No reports at this time. Andy Moore with Williams and Works stated Planning Commissions definitions can be brought back at the August meeting.

9. **COMMISSIONERS REMARKS.**

Commissioner Chambers stated it feels wonderful to have a real meeting in person.

Chair Barker agreed with Chambers.

10. **ADJOURNMENT.**

IT WAS MOVED BY CADWALLADER and seconded by CHAMBERS to adjourn at 7:31 p.m.

DATE:

APPROVED:

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Bruce Barker, Chair

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Susan Ullery, Lowell City Clerk



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

**City of Lowell  
2075 Bowes Road  
Site Plan No. 07-18**

Owner: Mike Winick  
7027 CamelBack Dr., N.E.  
Rockford, MI 49341

Applicant: Mike Winick  
Ada Lowell Self Storage  
2075 Bowes Road  
Lowell, MI 49331

At a meeting of the Lowell City Planning Commission on August 13, 2018 an application for a site plan review was approved with the following conditions noted below.

1. No demolition or earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.
2. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
3. The applicant shall maintain all required state, federal, and local permits and approvals.
4. The applicant shall comply with the stipulations of the City Fire Department and any other applicable emergency personnel regarding emergency access to the structure.
5. If additional lighting is proposed, the applicant shall submit lighting details to be reviewed and approved by the City Zoning Enforcement Officer.

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Michael Burns  
City Manager

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

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



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

pd \$1,100.00  
ck# 1524-  
8/2/18 sgh

## APPLICATION FOR SITE PLAN REVIEW

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

1. Street Address and/or Location of Request: ~~7027~~ 2075 Bowes Rd.
2. Parcel Identification Number (Tax I.D. No.): #41-20- 03-385-022
3. Applicant's Name: Mike Winick Phone Number 616-648-4307  
Address: 7027 Camelback Dr. NE Rockford, MI 49341  
Street City State Zip  
Fax Number \_\_\_\_\_ Email Address mikewinick@msn.com
4. Are You: ☒ Property Owner ☐ Owner's Agent ☐ Contract Purchaser ☐ Option Holder
5. Applicant is being represented by: Mike Winick Phone Number \_\_\_\_\_  
Address: \_\_\_\_\_
6. Present Zoning of Parcel LT Industrial Present Use of Parcel Storage/Warehouse
7. Description of proposed development (attach additional materials if needed):  
Add 10' to Building #4 of 4th and Final Phase  
10' width moving drive 10' to the West of Current  
Plan.

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

Signature: [Signature] Date: \_\_\_\_\_

Type or Print Your Name Here: Mike Winick

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

Owner [Signature]

Date \_\_\_\_\_

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## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** August 9, 2018  
**From:** Andy Moore, AICP  
Whitney Newberry  
**RE:** Winick Preliminary Site Plan Review

Mr. Mike Winick has submitted an application for a preliminary site plan review for the construction of an additional storage building at his property located at 2075 Bowes SE. The purpose of this memorandum is to review the application pursuant to Section 18.06 of the Township Zoning Ordinance.

**Background.** The subject property is approximately 3.35 acres in area and can be access via Bowes Road. The parcel is currently in the Light Industrial district and contains three 1-story metal frame self-storage buildings. The final phase of construction on this site proposes a fourth 1-story metal frame self-storage building. The applicant is requesting that an additional 10 feet be added to this fourth building and that the 10-foot-wide driveway be located 10 feet to the west of the current plan. The entire site (including the fourth building) was approved several years ago, but due to the proposed enlargement of this final building, review by the Planning Commission is required per Section 18.09 of the Zoning Ordinance.

### PRELIMINARY SITE PLAN REVIEW

1. Dimensional Requirements. The property meets the minimum lot area and width requirements for the L-I District outlined in Section 12A.04. It also meets the 20-foot minimum for a side abutting other Districts. With the 10-foot addition to the proposed fourth building, there are still 47 feet between the side yard edge and the proposed fourth building.
2. Building Height. The applicant has indicated that the building will be one (1) story. Because the maximum building height in the L-I district is 40 feet according to Section 12A.04, this requirement will be met.
3. Lot Coverage. Section 12A.04 permits a maximum lot coverage of 60% in the L-I District, including building and parking areas. This requirement will still be met with the additional 10 feet added onto the proposed building.
4. Parking. Due to the type of use on this site, there are no proposed parking spaces.
5. Storm Drainage. A retention pond is located on the front of the site to provide storm water drainage.

6. Exterior lighting. There is no proposed exterior lighting on the site.
7. Signage. There is no proposed signage not attached to the building on this site.

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

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

**Remarks:** Although an additional 10 feet in width is proposed for the fourth building, it is still the same length, height, and material as the existing three buildings. The surrounding use is compatible with the proposed use on this site. The additional building will be located on the west side of the property, by which there is a gravel driveway. Therefore, it will not likely have any additional impacts on adjacent property. The Planning Commission may find that this standard is met.

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

**Remarks:** There is an existing entrance drive via Bowes Road to access all the self-storage buildings. A 10-foot drive is proposed on both sides of the fourth building. This would be built as an extension to the existing driveways, but the layout would be the same. This provides access to all sides of the storage buildings. Therefore, the Planning Commission may find that this standard is met.

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

**Remarks:** The fourth building would use the existing drive that currently serves the three current self-storage units. There would be no new construction along Bowes Street that would impact traffic circulation within Lowell. Therefore, the Planning Commission may find this condition met.

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



**Remarks:** There is a thin row of trees on the western border of the subject property that may be impacted by construction of the fourth building. However, there are not any buildings located near the western border of the subject property and it is not adjacent to any residential property. Therefore, these trees are not acting as significant buffers from surrounding use and the Planning Commission may find this condition met.

The applicant may note that according to Section 4.26 (E), property in the I-L District shall have a minimum of one (1) canopy tree and three (3) deciduous shrubs for each thirty (30) feet of lot width, which equates to nine (9) canopy trees and twenty-seven (27) deciduous shrubs. However, because this site was already approved years ago, the Planning Commission may find the current landscaping conditions of the site acceptable.

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

**Remarks:** Subject to conditions of approval and additional details in the final site plan, it appears that this standard would be met.

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

**Remarks:** The proposed use is permitted in the Ordinance and the site plan represents the addition of a building almost identical to those which are currently on the site. The addition of 10 feet to the width of the fourth building will be hardly noticeable and the overall project will be identical to previous approval. The preliminary site plan appears to be consistent with the City's Master Plan.

### **Recommendation**

At the August 13 meeting, the Planning Commission should listen carefully to comments from the applicant and public regarding the request. Subject to those comments, it is our recommendation that the Planning Commission approve of the site plan, subject to the following conditions, along with any others deemed necessary:

1. No demolition or earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.
2. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
3. The applicant shall maintain all required state, federal, and local permits and approvals.
4. The applicant shall comply with the stipulations of the City Fire Department and any other applicable emergency personnel regarding emergency access to the new structure.
5. If additional lighting is proposed, the applicant shall submit lighting details to be reviewed and approved by the City Zoning Enforcement Officer.

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

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engineers | surveyors | planners

## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** July 8, 2020  
**From:** Andy Moore, AICP  
Whitney Newberry  
**RE:** **Riverview Flats Site Plan Amendment**

Unity School Investors, LLC has applied for a PUD plan amendment to their mixed-use development located at 219 High Street (PPN 41-20-02-260-003). The purpose of this memorandum is to review the amendment pursuant to Chapter 15 of the Zoning Ordinance.

### Background

The Riverview Flats PUD project was previously approved by City Council on September 16, 2019, and the applicant has submitted a site plan amendment for this PUD. This amendment is not considered a minor amendment as defined in Section 15.13 of the Zoning Ordinance and must be reviewed pursuant to Section 15.09 B & C.



The subject property is approximately 2.0 acres and was rezoned to the PUD district during its previous PUD plan approval. Major changes to the site plan include modified internal circulation for vehicles and pedestrians, updated boundaries to reflect recent agreements with the City, and additional parking. Because the PUD plan was previously approved, this review will only consider the portions of the plan that are proposed for amendment.

**PUD Plan and Rezoning Standards.** Section 15.10 of the Zoning Ordinance sets forth standards that shall be used by the Planning Commission and City Council in reviewing the PUD plan amendment. 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 PUD plan was previously found to comply with the purpose and qualifying conditions of sections 15.01 and 15.02. The amendment does not appear to involve any changes in use that would impact the previous approval related to the purpose of a PUD.

The Ordinance outlines 13 objectives which must be considered during PUD plan review. Many of these objectives will remain largely unchanged through the proposed amendment. Objective 5, related to walkable developments and connections to nearby spaces, is expected to be better satisfied through the proposed amendment. The landscaped courtyard is now proposed to connect to the existing riverfront walkway and sidewalk connections within the site and along the property boundary are improved.

Objective 6, related to the adaptive re-use of significant or historic buildings would remain similar to the previous approval; however, the new arrangement proposes to retain the front portion of the Unity School building along High Street, while removing two other sections (approximately 2,645 sq. ft. total) to create condo yards. The Planning Commission may discuss the extent to which the significant or historic nature of the building will be preserved through these modifications.

Objectives 9 and 10, related to circulation systems and traffic impacts, are expected to be improved through the proposed amendments. The two barrier-free parking spaces were moved closer to the Unity School building and adjacent to sidewalk connections. The curb cut on Monroe Street is proposed for removal and would instead be located along High Street. This is expected to minimize traffic and headlights that may impact neighbors across Monroe Street, while providing more efficient circulation and parking opportunities within the site. Sidewalk connections are also improved adjacent to the internal drive and along all property boundaries.

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 proposed amendments are not expected to significantly impact the PUD's previous alignment with the City of Lowell's Master Plan. The proposed use would remain the same and the buildings would continue to allow views of the Flat River, as desired in the goal and objectives for Community Image. Recent agreements to increase property along the western property boundary would allow patios to be constructed facing the Flat River, increasing viewsheds on the subject property without decreasing the River's visibility from neighboring areas.

The Master Plan also provides a transportation goal for "maintaining a transportation network that is sensitive to the land uses it serves, protects the integrity of residential neighborhoods, and promotes safety within all areas of the City." By moving the curb cut from Monroe Street to High Street, fewer residential properties would be impacted by traffic and headlights from the residents of Riverview Flats. The property across High Street functions as a public use (library), so this curb cut is expected to minimize the impact of traffic on surrounding residential land uses, in accordance with this goal. The Planning Commission may find this standard met.

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 amendment would provide an alternate layout for vehicle circulation and an anticipated 22 additional parking spaces and 1 additional garage space compared to the previous plan (not including Phase III). This additional parking and circulation is expected to reduce the impact of traffic on surrounding areas, as the on-site parking will reduce the number of vehicles that may need to occupy spaces in public parking lots. The amended curb cut is also expected to help mitigate the impacts of traffic on neighboring residential properties across Monroe Street. The capacity of public services and facilities is expected to remain the same as previous approval. Therefore, the Planning Commission may find this standard met.

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 access on High Street is expected to minimize traffic impacts by directing traffic onto the side street adjacent to an existing public use. Although the access point on Monroe Street was previously approved, the proposed access on High Street is expected to reduce impacts from vehicle headlights and traffic directly on Monroe Street near residential properties. Although additional on-site parking spaces may allow an increased number of vehicles and therefore traffic originating from the site, this is not expected to be excessive. Rather, the re-alignment of internal circulation will likely contribute to protecting adjacent residential uses from direct traffic impacts. Additionally, because the site would be able to accommodate additional parking, there would be a decreased impact on nearby public parking lots. The Planning Commission may find this standard met.

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

**Remarks:** The proposed amendments are not expected to impact the previous approval of this standard. The Planning Commission may find this standard met.

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. 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:** 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 applicant has submitted updated stormwater calculations and a grading plan. Planning Commission may request a 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 amendment involves slight modifications to the impervious surface within the 100-year floodplain through additional parking spaces. These are not expected to significantly alter the previous approval of this standard;

however, 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 proposed amendment does not affect the previous approval of this standard.

- 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.

**Other Considerations.** The PUD amendment will allow for several changes related to circulation and access within the site. The applicant has requested that the previous photometric plan and landscape plan be accepted for the proposed amendment. Because the locations of the buildings will remain the same and private garages are proposed in the same locations, the site photometric plan may continue to provide an accurate assessment of light intensity along property boundaries, although the Planning Commission may request an updated photometric plan if deemed necessary.

Modifications to the landscape plan may be needed. Several areas would be modified so that the proposed landscaping may no longer be feasible (i.e. near the dumpster, condo yards, northern exterior of the school building, etc.). The Planning Commission may request a revised landscape plan 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.

**Conclusion.** At the July 13, 2020 meeting, the Planning Commission should discuss the site and carefully consider any comments from the applicant and the public. Subject to these comments, the Planning Commission may recommend approval of the amendment to the City Council, using the findings contained in this memorandum as justification for the decision. 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. The applicant shall provide update photometric and landscaping plans for review by the Zoning Enforcement Officer.
6. 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.
7. The most recent flood elevation data received from the Federal Insurance and Mitigation Administration (FIMA) shall take precedence over data from other sources.

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 #7 Lowell MI 49331  
Street City State Zip  
Fax Number 616-285-6804 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  
Street City State Zip
6. Present Zoning of Parcel PUD Present Use of Parcel vacant buildings
7. Description of proposed development (attached additional materials if needed):  
Application is for an amendment to an approved PUD. The material change is eliminating previously shown  
curb cut on Monroe Street for an internal drive connection to High Street. Additionally the addition of more  
onsite parking.

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

Signature: [Signature] Date: 05.09.20

Type or Print Your Name Here: Todd A. Schaal

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 rights(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.
- 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.
- 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.

x

x

x

**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.  
No significant change from the previous PUD in this regard. The Developer is constantly evaluating the RiverView Flats development seeking ways to make improvements to the project. One such improvement is making the internal drive connect to High Street, dropping the main drive on Monroe Street. This will reduce car lights shining across the street at residences. The revised design also incorporates more onsite parking and green area. Because part of this drive is outside the area identified as Phase 1, we are amending the PUD.

- 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.

no change from the previous PUD in this regard

- 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.

no change from the previous PUD in this regard

- 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.

no change from the previous PUD in this regard

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

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no change from the previous PUD in this regard

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

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no change from the previous PUD in this regard

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WINDMILL NO. 2 IL - 635 87  
NAIL E SIDE OF P POLE

## LEGAL DESCRIPTION

Land situated in the City of Lowell, Kent County, Michigan:

Personal, I...

Lots 2, 3, 4, 5, 6, 7, 8 and 9, Block 28, Avery's Plat, according to the Plat thereof, as recorded in Liber 24 of Plats, Page 12. ALSO, the East 8.30 feet of Lots 1 and 10, Block 28, Avery's Plat, according to the Plat thereof, as recorded in Liber 24 of Plats, Page 12.

Рокки 2.

Part of Block 1, Avey Street, occurring to the West thereof, as recorded in Liber 24 of Plats, Page 12, being described as: Commencing 300 feet Northwesterly along the Westerly line of Monroe Street (49.5 feet wide) from the North line of Avey Street (49.5 feet wide), thence Southwesterly parallel with the Northerly line of Avey Street 75 feet; thence Southwesterly parallel with the Westerly line of Monroe Street, 80 feet; thence Southwesterly parallel with the Northerly line of Avey Street, 100 feet to a line which extends Southwesterly from a point 18.3 feet East of the Northerly corner of the North line of Lot 5 of Block 1 of said Avey Street, to a point 63.6 feet Northwesterly along the South line of said Lot 5 from the Southwest corner thereof; thence Northwesterly along said extended line to the South line of High Street (49.5 feet wide), thence Northwesterly along said South line to the Westerly line of said

### EXCEPTIONS

- 16 Terms, covenants, and conditions of Dedications and Valties, as recorded in Instrument No. 2014-020-0100B, (As to Parcel 1)
- 17 Terms, covenants, and conditions of Order Vacating Portions of Plotted Sireal, as recorded in Liber 5587, Page 226, (As to Parcel 1)
- 18 Terms, covenants, and conditions of County of Kent – General and Farming and Wood Land, as recorded in Liber 15247, (As to Parcel 1)
- 19 Terms, covenants, and conditions of Instrument, as recorded in Liber 1570, Page 403, (As to Parcel 1)
- 20 Terms, covenants, and conditions of Instrument, as recorded in Liber 1577, Page 585, (As to Parcel 1)
- 21 Terms, covenants, and conditions of Order Vacating Portions of Plotted Sireal, as recorded in Liber 1577, Page 587, (As to Both Parcels)
- 22 Terms, covenants, and conditions of Order Vacating Portions of Plotted Sireal, as recorded in Liber 1577, Page 589, (As to Both Parcels)
- 23 Terms, covenants, and conditions of Parking Easement Agreement, as recorded in Liber 5836, Page 180, (As to Parcel 2)
- 24 Terms, covenants, and conditions of Instrument, as recorded in Liber 016, Page 155, (As to Parcel 2)
- 25 Terms, covenants, and conditions of Public Parking and Sidewalk Easement, as recorded in Liber 5867, Page 228, (As to Parcel 2)

LEGEND

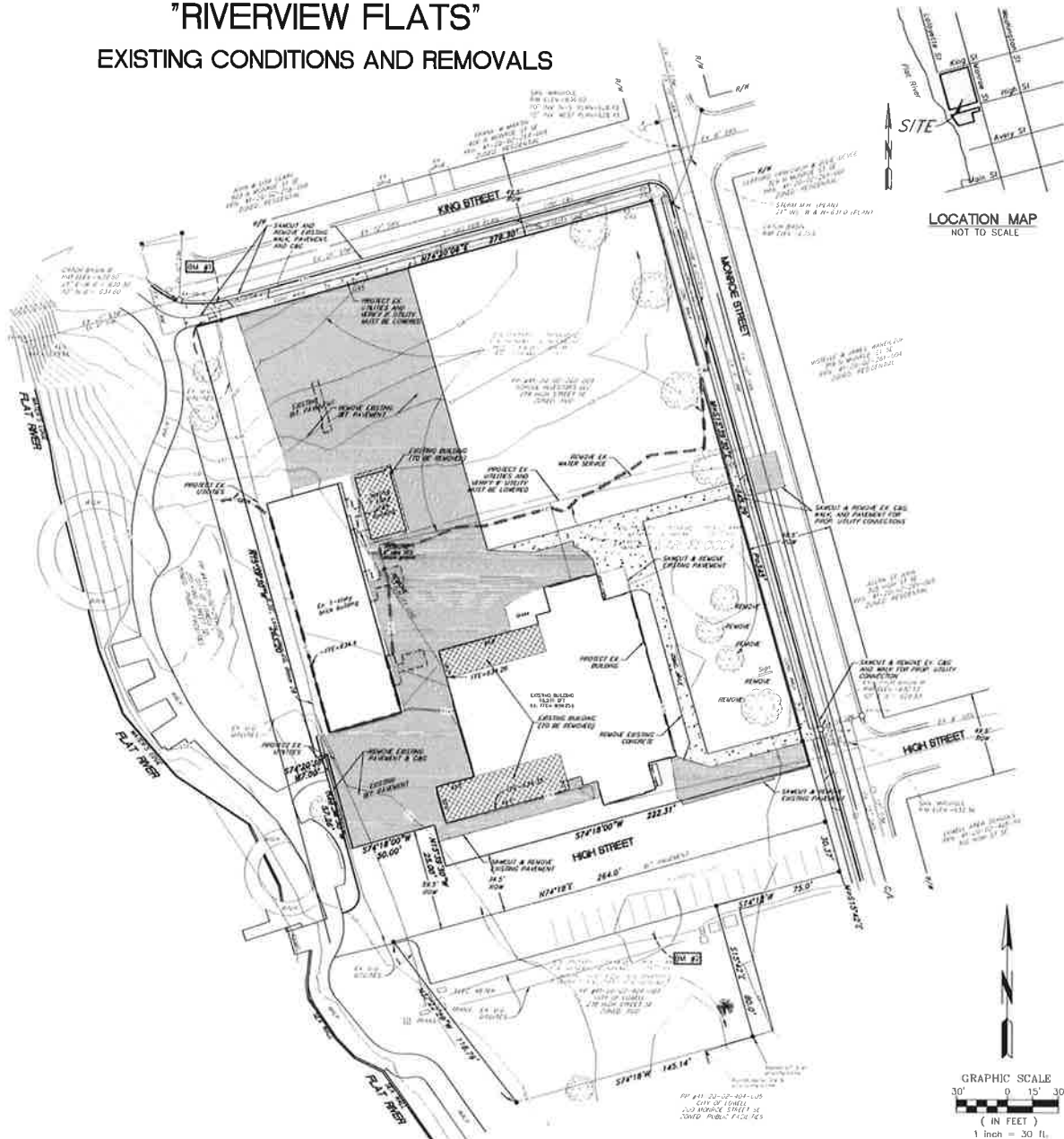
- [illegible]

### LEGEND

- 
- Figure 1 is a plan view of a proposed road layout. It shows a road with various features labeled: 'EXISTING CONTOUR LINE' (dashed line), 'EXISTING BUILDING TO BE REMOVED' (hatched area), 'EXISTING PAVEMENT' (stippled area), 'EXISTING CONC PAVEMENT' (cross-hatched area), 'EXISTING STORM SEWER' (solid line), 'EXISTING SANITARY SEWER' (solid line), and 'EXISTING WATERMAIN' (solid line). Dimensions and stationing are provided for different sections of the road.

## "RIVERVIEW FLATS"

### EXISTING CONDITIONS AND REMOVALS



LOCATION MAP  
NOT TO SCALE

GRAPHIC SCALE  
30' 0 15' 30'  
( IN FEET )  
1 inch = 30 ft.

DRAWING SET NAME  
 APPROVED BY NOC  
 DATE MAY 22, 2019  
 REVISIONS  
 MAY 22, 2019 - REV. PER CITY COMMENTS  
 MARCH 11, 2019 - REV. PER OWNER FINANCES

SERVING THE NEEDS OF OUR  
CLIENTS SINCE 1907

**Roosin & Associates**  
PLANNING AND CONSULTING

**XX CONDITIONS AND REMOVALS**  
**RIVERVIEW FLATS**  
PART OF AVERY PLAT  
CITY OF LOWELL, KENT CO., MICHIGAN

CLIENT: UNITY SCHOOLS INVESTORS, LLC  
ATTN: TODD SCHAAL  
216 W MAIN - UNIT #6  
LOWELL, MI 49321

# 811 - CALL BEFORE YOU DIG

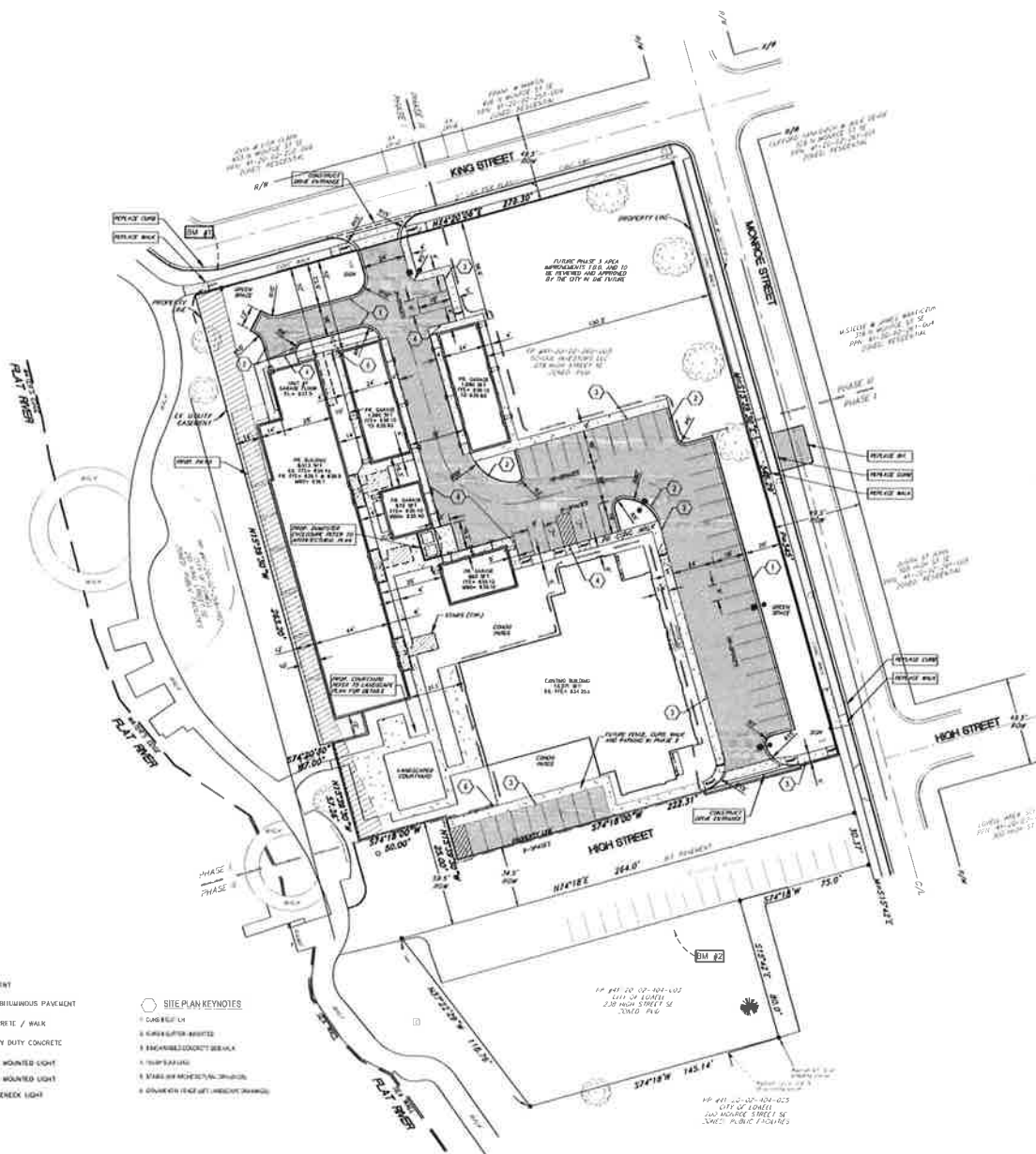
LEGAL DESCRIPTION: SEE SHEET C1.0

BENCHMARK NO. 1 E.L. = 640.93

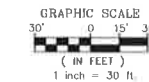
SE FLANGE BOLT ON HYDRANT

BENCHMARK NO. 2 E.L. = 635.87

NAIL E. SIDE OF P. POLE



LOCATION MAP  
NOT TO SCALE



## SITE PLAN NOTES:

- Owner / Applicant:**  
Unity School Investors, LLC  
Attn: Todd Schaal  
216 W Main Street - Unit #6  
Lowell, MI 49331
- Project Information:**  
Address: 216 & 238 High Street  
P.P.N.: 41-20-02-260-003, 41-20-02-260-001  
Area: 2.58 & 0.49 acres (not including High Street ROW)
- Existing Use:**  
Vacant School & Accessory Buildings
- Proposed Use:**  
Mixed-use
- Municipal Zoning:**  
District: RUD  
Minimum Setbacks:  
Front: 0 feet  
Side: 0 feet  
Rear: 0 feet
- Parking Requirements:**  
Min. Parking Space Dimensions: 9' x 18 feet  
Min. Drive Aisle Width: 24 feet  
Required Parking Spaces: Per suburban standard (note Lowell does not have an urban standard) 2 per dwelling  
Phase 1 - 14 residential units  
Required Spaces: 28  
Provided Spaces: 55 (17 garage spaces + 38 visitor spaces)  
Phase 2 - 26 residential units  
Required Spaces: 52 total phase 1 and 2  
Provided Spaces: 55 previous + 9 proposed spaces + 18 Offsite along High Street  
Provided Spaces: 82 total spaces phase 1 and 2
- Site Access:**  
Phase 1: Provided from private drives from King Street and High Street  
Phase 2: Intended to be provided from High Street and internally from Phase 1 drives.
- Public Utilities:**  
Phase 1:  
Proposed sanitary lateral from existing services in Monroe Street.  
Proposed water service from existing services in Monroe Street.  
Phase 2:  
Existing services (sewer and water) from Monroe Street.  
Private utility services (gas, phone, electric, cable) for all phases will all be buried underground within the site.  
All proposed open spaces will be properly dedicated to residents in the development.
- Stormwater Management:**  
Wetlands are not present on the site.  
Project site is within the 100-year floodplain (Base Flood Elevation= 635). An application for activities within the floodplain is being submitted to EOE.  
A stormwater conveyance system is provided onsite. As the site is adjacent and within a floodplain, stormwater management goals of the project focus on providing stormwater quality improvements and maintaining onsite grazing characteristics to provide storage for improving flood conditions. Some offsite grading with occur to ensure no net flood plain fill.
- Site Lighting:**  
Site lighting will be in accordance with the City's ordinance.  
All proposed fixtures will be downward full cut-off fixtures so that they are shielded from adjacent properties.
- Signage:**  
Proposed signage will be in accordance with the City Zoning Ordinance.

## LEGEND

- 1 - ROW STRIP - SET
- 2 - ROW STRIP
- 3 - RECORDARY DIMENSION
- 4 - RECORDARY DIMENSION
- 5 - PLATTED DIMENSION
- 6 - MEASURED DIMENSION
- 7 - CENTER LINE
- 8 - CORNER ON CORNER
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## LEGEND

- EXISTING PRESENT
- PROPOSED 5'0" BITUMINOUS PAVEMENT
- PROPOSED CONCRETE / WALK
- PROPOSED HEAVY DUTY CONCRETE
- PROPOSED PALE MOUNTED LIGHT
- PROPOSED WALL MOUNTED LIGHT
- PROPOSED GROUND MOUNTED LIGHT

## SITE PLAN KEYNOTES

- 1 - CENTER LINE
- 2 - CORNER ON CORNER
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**SITE PLAN**  
**RIVERVIEW PLATS**  
Part of Avery Plat  
CITY OF LOWELL, KENT CO., MICHIGAN

CLASHN  
UNITY SCHOOL INVESTORS, LLC  
ATTN: TODD SCHAAL  
216 W MAIN - UNIT #6  
LOWELL, MI 49331  
PROJECT NO.  
181278  
SHEET  
C2.0



BENCHMARK NO. 1 EL. = 640.93  
SE FLANGE BOLT ON HYDRANT

BENCHMARK NO. 2 EL. = 635.87  
NAIL E. SIDE OF P. POLE

	EXISTING CONTOUR LINE
	EXISTING PAYMENT
	EXISTING STONE SEWER
	EXISTING SANITARY SEWER
	EXISTING WATER MAIN
	PROPOSED STONE SEWER
	PROPOSED SANITARY SEWER
	PROPOSED WATER MAIN
	PROPOSED LIMITS OF CONSTRUCTION
	PROPOSED PAYMENT
	PROPOSED CONCRETE / WALK
	PROPOSED MAJOR CONTOUR
	PROPOSED MAJOR CONTOUR
	PROPOSED SLOPE GRADE
	PROPOSED POLE MOUNTED LIGHT
	PROPOSED CROOKSHANK LIGHT
	SURFACE DRAINAGE
	ON FLOW OF THE SEWER

a - **WINE** **LAND** - **WINE**  
 b - **ROSE** **LAND**  
 c - **WINE** **LAND**  
 d - **WINE** **LAND**  
 e - **WINE** **LAND**  
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 y - **WINE** **LAND**  
 z - **WINE** **LAND**

3 PERMANENT/TEMPORARY SEEDING  
25 GEOTEXTILE Silt Fence  
39 INLET PROTECTION WITH GEOTEXTILE AND STONE

NOTE: REFUSE TO MOIST TACK EMISSION & SEDIMENTATION CONTROL MANUAL.

- EXPOSED SOILS SHALL BE COVERED WITHIN 15 MINUTES AFTER EXCAVATION STOPPING.
- MATERIALS OF ALL TYPES SHALL BE STORED IN A COVERED OR PROTECTED AREA.
- ALL TRUCKS SHALL BE COVERED WITHIN 15 MINUTES AFTER EXCAVATION STOPPING.
- THE SOILS FROM DEEPER EXCAVATIONS SHALL BE CLEANED OUT PRIOR TO DISCARD ACCEPTANCE.
- SITE MUST BE COVERED WITHIN 15 MINUTES AFTER EXCAVATION STOPPING.
- ALL EXCAVATION SHALL BE COVERED WITHIN 15 MINUTES AFTER EXCAVATION STOPPING.
- THE FILL SHALL BE APPROXIMATELY 50 FEET IN THE WEST.
- EXCAVATION SHALL BE COVERED WITHIN 15 MINUTES AFTER EXCAVATION STOPPING.

WHEN • WHEN SEPARATE LAYER STORMWATER REQUIRES TREATMENT  
BEFORE ENTERING A WATER DRAINAGE SYSTEM

WHERE • USE PRESENT SYSTEM FROM EXISTING STORMWATER SYSTEMS

WHY • NO USE OF OR STORMWATER RIEKS, ESPECIALLY AT  
CONSTRUCTION SITES

HOW • 1. IF FERTILIZERS CAN BE KEPT AWAY FROM THE RIEK, BROADLY THE GRADE  
DIFFERENCE SHOULD, WHICH MAY BE MADE IN PLACE  
• ALTERNATE FILLER WITH 1" REBAR FOR REMOVAL FROM RIEK  
• FLAPS OF BAC DRAIN EXISTED BETWEEN THE BAC CAN BE  
BUILT IN SOLE IN LAYERS  
• DROP NET FILTERS SHOULD BE INSPECTED REGULARLY  
AND AFTER EACH MAJOR RAIN EVENT  
• REMOVED FILLER MUST BE PROPERLY DISPOSED  
• CLEAN AND/OR REPLACE IN RIEK WHEN UP FILLED  
• REPLACE CLOSURE FILLER WHEN NECESSARY  
• IF NEEDED, MAINTAIN PROPERLY MAINTAIN PROPER SLOPE  
• REMOVE INTERIOR PROTECTIVE MECHANISM WHEN LAYDOWN  
ARE STABILIZED AND STREETS HAVE BEEN SET

MAINTENANCE • CLEAN OUT AND MAINTAIN FLOW CAPACITIES  
• INSPECT FOR PROBLEMS  
• PAVING MAY OCCUR AFTER SEVERAL YEARS OF USE OF CLOSURE

1/2" THICK FOAM AND MOUNTING BOARD

SCREW

**Parcel 3:**

Lots 2, 3, 4, 5, 6, 7, 8 and 9, Block 26, Avery's Plat, according to the Plat thereof, as recorded in Liber 24 of Plats; Page 12. ALSO, the East 8.30 feet of Lots 1 and 10, Block 26, Avery's Plat, according to the Plat thereof, as recorded in Liber 24 of Plats; Page 12.

**Parcel 4:**

Part of Block 26, Avery's Plat, according to the Westernly line of Main Street, as recorded in Liber 24 of Plats; Page 12, being described as follows:

The Northwesterly corner of Main Street, 445 feet wide from the North line of High Street (45 degrees 15 minutes West), thence Southwesterly along the Northwest line of Main Street 445 feet to the Northwest line of Main Street, thence Southwesterly parallel with the Northerly line of High Street to a line which extended Southerly from the Northeast corner of Lot 1 and Lot 2, thence Southwesterly along said line to the Southwest corner of Lot 1 and Lot 2, thence Southwesterly along the South line of said Lot 1 and Lot 2 to the Southwest corner thereof, thence Northwesterly along said extended line to the South line of High Street (45 degrees 15 minutes); thence Northwesterly along said South line to the Westerly line of said Monroe Street; thence Northwesterly along said Westerly line to the North line of High Street (45 degrees 15 minutes).

**Parcel 5:**

Terms, covenants, and conditions of Declaration and Notice, as recorded in Instrument No. 2014-020-010585. (As to Parcel 1)

1. Terms, covenants, and conditions of Public Parking and Sidewalk Easement, as recorded in Liber 5867, Page 276. (As to Parcel 1)

2. Terms, covenants, and conditions of County of Kent – General Easement and Right-of-Way Grant, as recorded in Liber 2148, Page 276. (As to Parcel 1)

**Parcel 6:**

1. Terms, covenants, and conditions of instrument, as recorded in Liber 1570, Page 402. (As to Parcel 1)

2. Terms, covenants, and conditions of instrument, as recorded in Liber 1570, Page 403. (As to Parcel 1)

3. Terms, covenants, and conditions of instrument, as recorded in Liber 1570, Page 404. (As to Parcel 1)

4. Terms, covenants, and conditions of Order Vacating Parts of Paved Street, as recorded in Liber 1577, Page 587. (As to Both Parcels)

5. Terms, covenants, and conditions of Order Vacating Parts of Paved Street, as recorded in Liber 1577, Page 587. (As to Both Parcels)

**Parcel 7:**

1. Terms, covenants, and conditions of Paving Easements Agreement, as recorded in Liber 3636, Page 185. (As to Parcel 2)

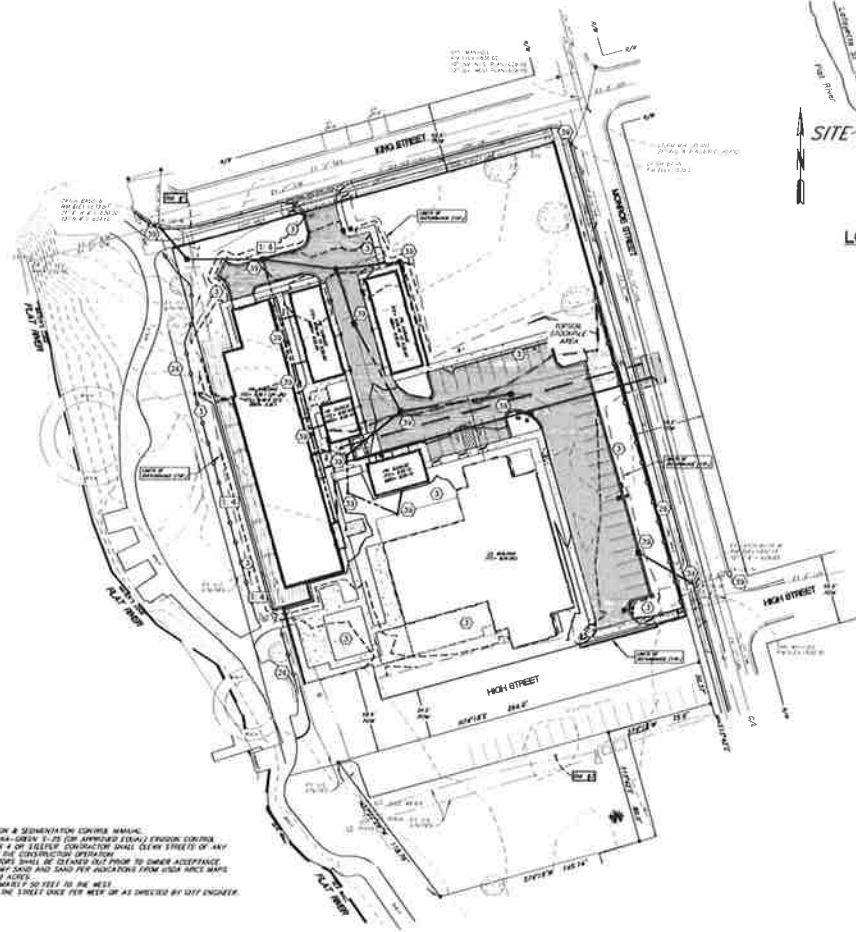
2. Terms, covenants, and conditions of instrument, as recorded in Liber 1565, Page 155. (As to Parcel 2)

3. Terms, covenants, and conditions of Public Parking and Sidewalk Easement, as recorded in Liber 5867, Page 276. (As to Parcel 2)

INSTALL SELF-HEALING AND INSECT PROTECTION	REQUIRED
PERFORM DEVIATIONS, CLEAR VEGETATION AND STUMP AND STOCKPILE CUTSIES	
POUR GRASS MIX	
CONSTRUCT BUILDING	
INSTALL LINETIES	
INSTALL STAIRS AND RAMPWAYS	
FINISH GRADE, PLACE PLANTINGS, TOPSOIL AND SEED, AND MULCH BLANKETS	
CLEAN PAVEMENTS AND STORM SEWER	
REMOVE TEMPORARY EROSION CONTROL	

THE STORM SEWER AND DETENTION SYSTEMS MUST BE INSPECTED AND MAINTAINED ON A REGULAR BASIS FOR OPTIMAL PERFORMANCE. SEE CHART BELOW FOR SUGGESTED INTERVALS.

FACTOR	Channel Maintenance	Channel Grading	Channel Clearing	SCHEDULE
WSPCT FOR ACCUMULATION	●	●	●	ANNUALLY
REMOVE SEDIMENT ACCUMULATION	●	●	●	EVERY 3-4 YEARS AS NEEDED
WSPCT FOR DEBRIS (DEAD VEGETATION AND TRASH)	●	●	●	EARLY SPRING, FALL AND HOLIDAY STORMS
CLEAN INVERT	●	●	●	AS REQUIRED
CLEAN OUT WATER QUALITY STRUCTURES	●			EARLY SPRING AND FALL



**LOCATION MAP**  
NOT TO SCALE

**GRAPHIC SCALE**  
40' 0 20' 40'  
( IN FEET )  
1 inch = 40 ft

**SESC PLAN**  
**OVERVIEW FLATS - MIXED-USE**  
PART OF AVERY PLAT  
CITY OF LOWELL, KENT CO., MICHIGAN

CLIENT: UNITY SCHOOLS INVESTORS, LLC  
ATTN: TODD SCHAAL  
216 W MAIN - UNIT #6  
LOWELL MI 49331



BENCHMARK NO. 1 EL. = 840.93  
SE FLANGE BOLT ON HYDRANT

BENCHMARK NO. 2 EL. = 835.87  
NAIL E, SIDE OF P. POLE



PROJECT NO. 181278
SHEET C3.2





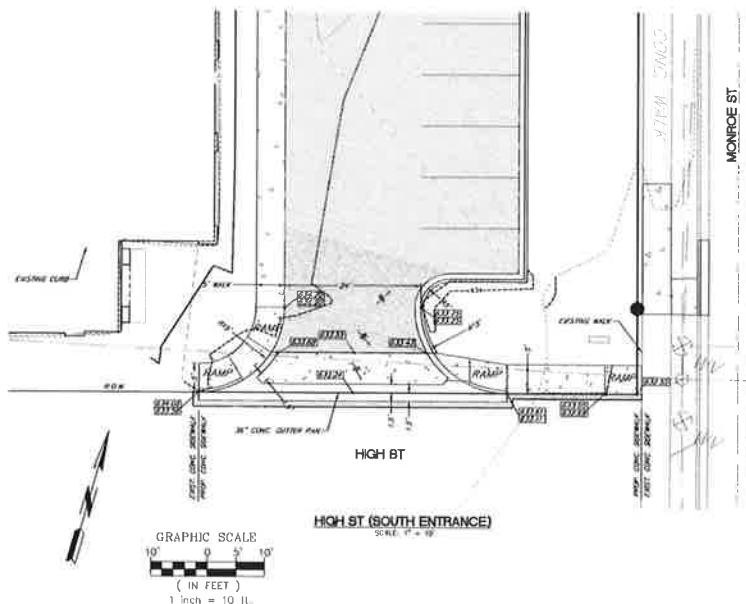
# 811 - CALL BEFORE YOU DIG

DESIGNED BY: J. L. L. - 610.93  
 27 PLAZA BLVD. ON TUESDAY  
 SURVEYED BY: J. L. L. - 633.87  
 NAD 11 S.D. OF P. 1011

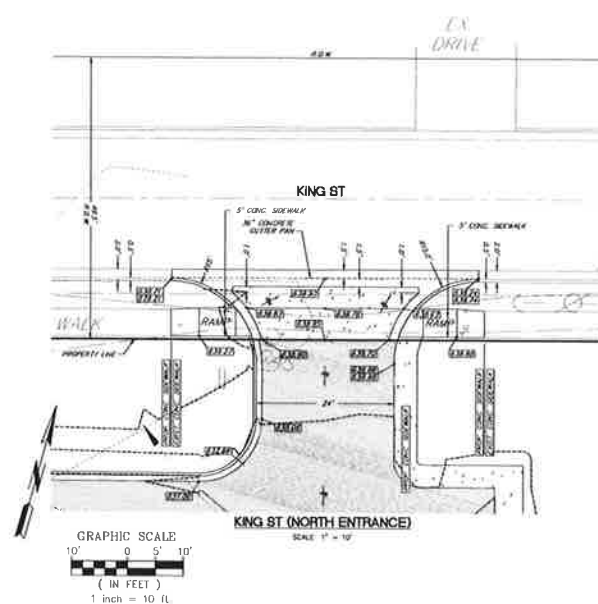
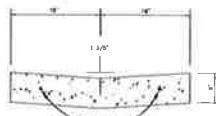


NOTE: THESE PLANS DO NOT ASSURE THE PRESENCE OR LOCATION OF UTILITIES. THE CONTRACTOR SHALL NOTIFY "MISS DIG" TOLL FREE AT 1-800-482-7171 THREE (3) DAYS BEFORE THE START OF CONSTRUCTION, EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS.

THIS PERMIT FOR DRIVE ACCESS ONLY - A UTILITY PERMIT AND SOIL EROSION PERMIT MAY BE REQUIRED.



- LEGEND**
- EXISTING CONTOUR LINE
  - EXISTING PAVEMENT
  - PROPOSED DRIVEWAY
  - PROPOSED PAVEMENT
  - PROPOSED MAJOR CONTOUR
  - PROPOSED MINOR CONTOUR
  - SURFACE DRAINAGE
  - PROPOSED SPOT ELEVATION



## GENERAL NOTES

- All workmanship and materials shall be according to the current Michigan Department of Transportation (M.D.T.) Standard Specifications for Construction.
- Driveway approach shall be bituminous or concrete. Concrete shall be used when the distance between the new curb and the highway right of way, or street edge of sidewalk, is 15 feet or less.
- Concrete curb and gutter to be 8-2 or as approved by the City of Lowell Engineer.
- Where poor soil conditions exist, the depth of the gravel and sand sub-base between the new curb and existing pavement, shall be determined by the City of Lowell Engineer.
- The City of Lowell is to be notified 48 hours prior to the start of construction, excluding Saturdays, Sundays, and Holidays. This agency will inspect all work within the highway right of way. Concrete forms must be inspected by the City of Lowell Inspector before concrete is poured.
- Prior to the start of construction, it will be mandatory for the applicant or contractor to have in place the necessary safety traffic signs, cones, barricades and any other safety device to ensure safety to the public. No lane closures will be allowed from November 1st to April 1st unless approved by the City of Lowell Engineer.
- All disturbed areas are to be leveled and reseeded with topsoil, seeded with an approved turf seed mix, and allowed to grow to a suitable condition so as to prevent future erosion or maintenance problems. Slopes that are 1 on 2 or steeper shall be sodded.
- No parking of vehicles, equipment, or material storage is permitted within the highway right of way.
- The owner must provide for adequate drainage from parking areas, and clear same with the City of Lowell Engineer of a permit does not alleviate the owner of this responsibility.
- Concrete, stone, weeds, or other drainage structures shall be inspected by the City of Lowell Inspector before backfill is placed.
- Resurface existing public roadway as necessary to fit drive approach, correct cracks, correct drainage, or repair damage by construction. See and remove all curb, concrete, and bituminous as required by the City of Lowell.
- Properly owner is responsible for obtaining a Soil Erosion & Sedimentation Control Permit for any earth change greater than one acre, or within 500 feet of a regulated water of the State of Michigan.
- A utility permit must be obtained for placement and hookup of utilities (i.e. water, gas, oil, sewer, telephone, electric, cable TV, internet, etc.) in the highway right of way.
- Contact "Miss Dig" toll free at 1-800-482-7171 or 610-933-1111 three (3) days prior to the start of construction, excluding Saturdays, Sundays, and Holidays.
- Additional work (stormwater zoning, grading, etc.) may be required by the City of Lowell Inspector to correct poor workmanship and/or drainage problems.
- Any paving performed in the highway right of way between November 1st to May 1st requires prior approval from the City of Lowell Engineer.



CLIENT:  
 UNITY SCHOOLS INVESTORS, LLC  
 ATTN: TODD SCHAL  
 26 W MAIN - UNIT #6  
 LOWELL, MI 48301

DRIVEWAY PLANS  
 RIVERVIEW FLATS  
 Part of Avery Plaz  
 CITY OF LOWELL, KENT CO., MICHIGAN

DESIGNED BY: J. L. L.  
 27 PLAZA BLVD.  
 ON TUESDAY  
 SURVEYED BY: J. L. L.  
 27 PLAZA BLVD.  
 ON TUESDAY

SEALING THE NEEDS OF OUR  
 CLIENTS SINCE 1987

PROJECT NO:  
 181278

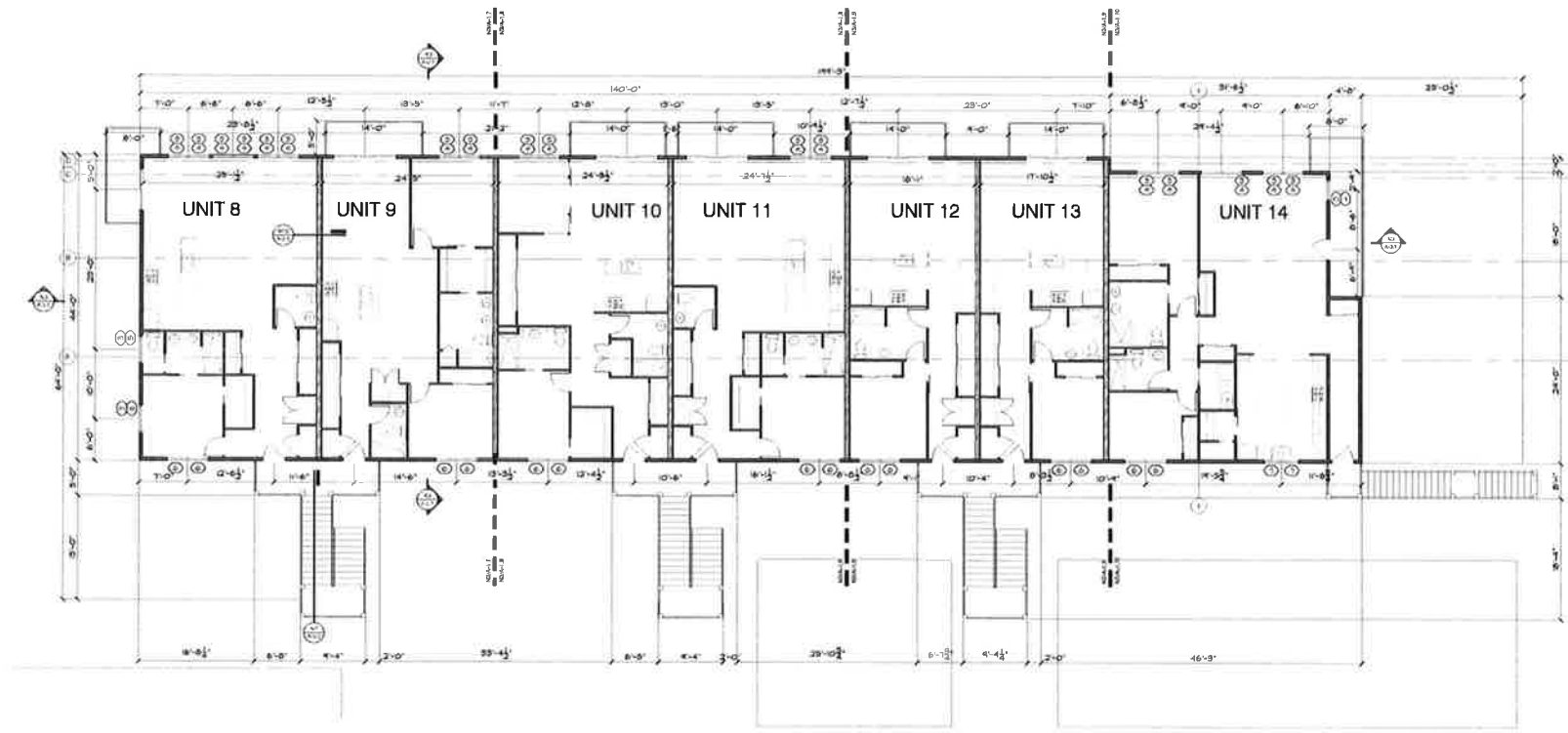
SHEET:  
 C5.1

SINGLES

016.560.7365  
singlesmag.com



Window Schedule - Andersen 100 Series			
1	2'-0" WIDE X 5'-0" TALL	20	2'-6" WIDE X 6'-0" TALL
2	3'-4" WIDE X 5'-0" TALL		
3	2'-0" WIDE X 2'-0" TALL		
4	3'-4" WIDE X 2'-0" TALL		
5	2'-0" WIDE X 4'-0" TALL		
6	3'-0" WIDE X 8'-0" TALL		
7	2'-6" WIDE X 4'-0" TALL		
8	2'-6" WIDE X 2'-0" TALL		
9	3'-0" WIDE X 8'-0" TALL		



Upper Level Plan  
10'-0"

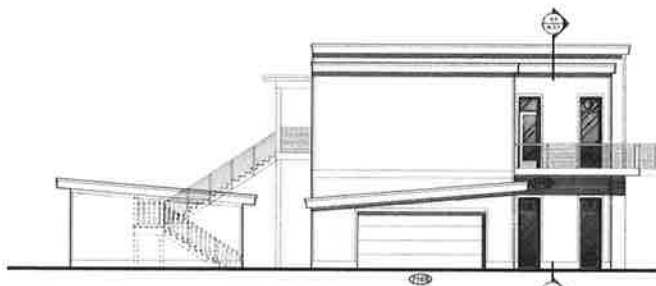
Lowell Development

1	Unit 8
2	Unit 9
3	Unit 10
4	Unit 11
5	Unit 12
6	Unit 13
7	Unit 14
8	Stair
9	Corridor
10	Entrance
11	Exit
12	Window
13	Door
14	Wall
15	Floor
16	Roof
17	Foundation
18	Foundation
19	Foundation
20	Foundation



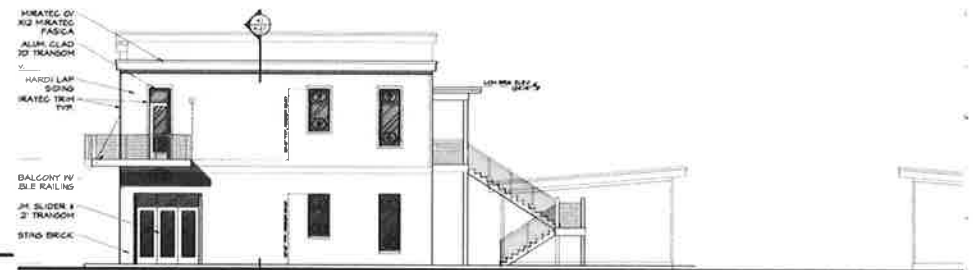
**East Elevation**

1/8" = 1'-0"

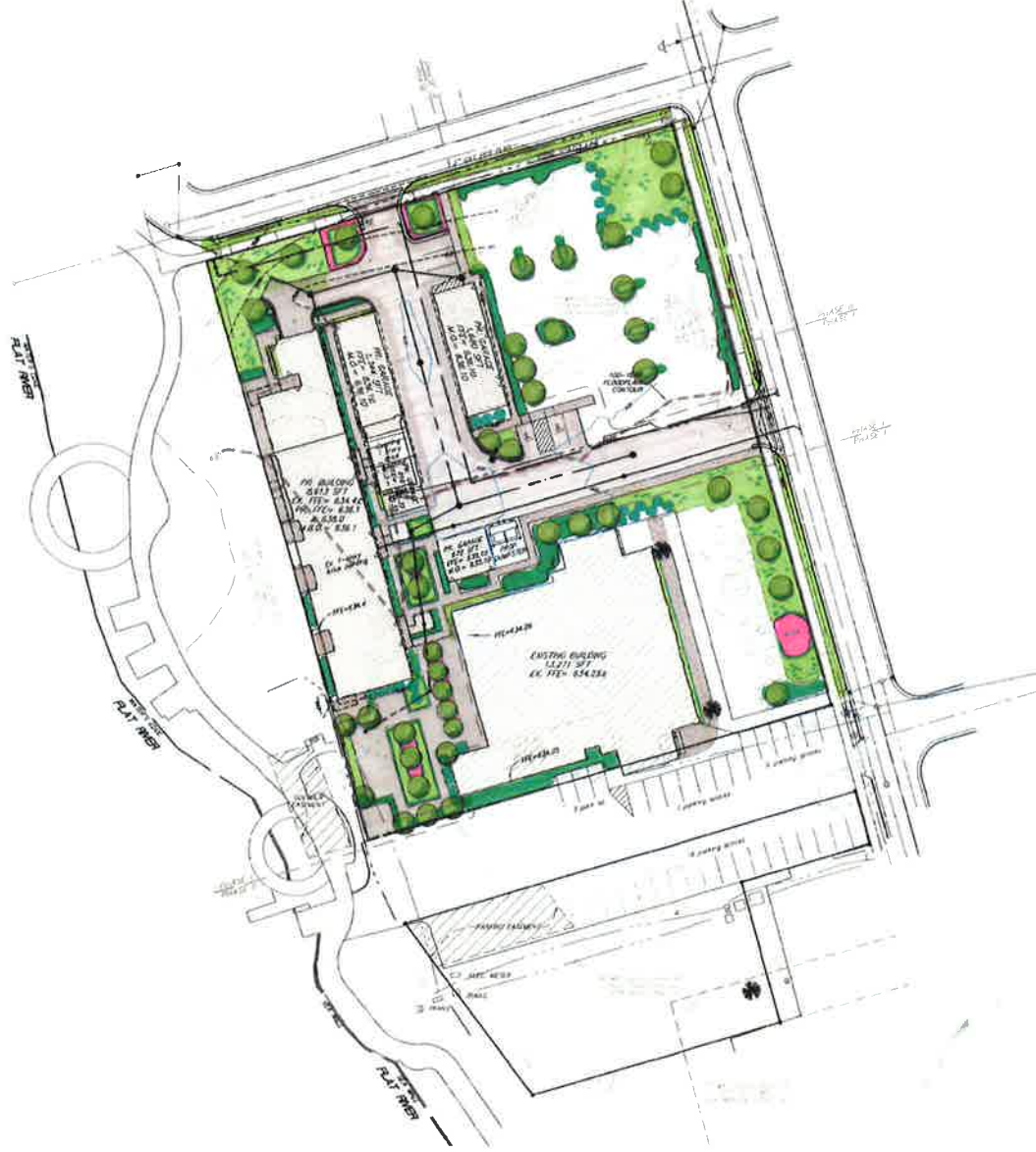


**North Elevation**

1/8" = 1'-0"







- LEGEND**
- DECIDUOUS SHADE TREE 2.5'-3' CAL
  - LARGE FLOWERING SHRUB 5 CAL
  - FLOWERING SHRUBS 5 CAL
  - GRASSING 1 CAL
  - ROSEHEDGE 1 CAL
  - LAWN

CLIENT:	ESTES GROUP	DATE: 06/19/2013	REVISIONS:
PROJECT NO.:	181278	APPROVED BY:	
SHEET:	C6.0	DATE: JUNE 19, 2013	REVISIONS:
LANDSCAPE PLAN		Terra Verde Landscaping	
RIVERVIEW FLATS - MIXED-USE		3863 S. Main Road NE	
PART OF AVERY PLAT		Grand Rapids, MI 49505	
CITY OF LOWELL, KENT CO., MICHIGAN		Phone: (616) 361-8544	



811 - CALL BEFORE YOU DIG

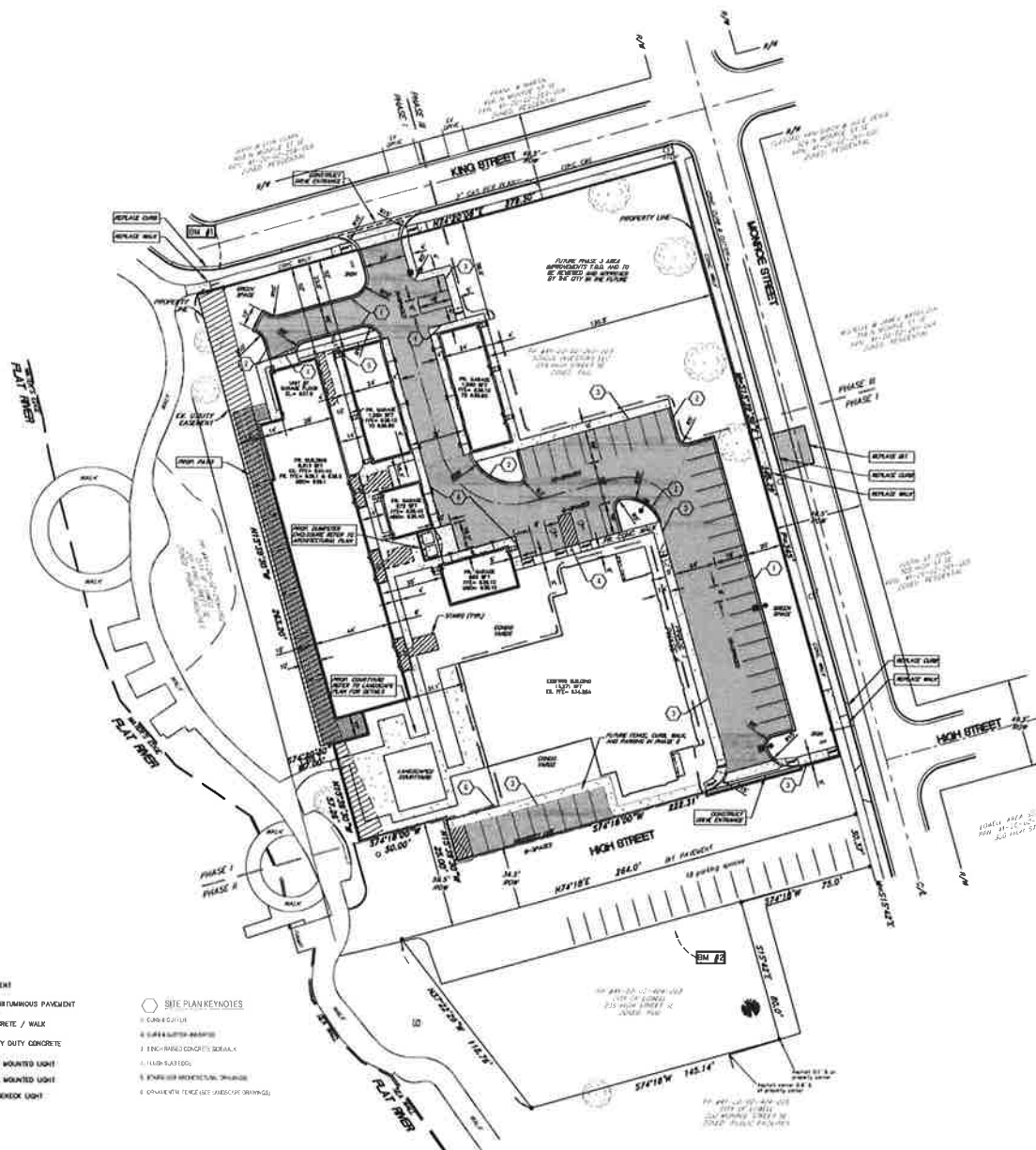
LEGAL DESCRIPTION: SEE SHEET C3.0

BENCHMARK NO. 1 (L) = 640.93

SE FLANGE BOLT ON HYDRANT

BENCHMARK NO. 2 (L) = 635.87

NAIL E, SIDE OF P, POLE



LOCATION MAP  
NOT TO SCALE



SITE PLAN NOTES:

- Owner / Applicant:**  
Unity School Investors, LLC  
Attn: Todd Schaal  
210 W Main Street - Unit #6  
Lowell, MI 49331
- Parcel Information:**  
Address: 210 & 230 High Street  
P.P.N.: 41-20-02-250-003; 41-20-02-260-001  
Area: 2.08 & 0.49 acres (not including High Street ROW)
- Existing Use:**  
Vacant School & Accessory Buildings
- Proposed Use:**  
Mixed-Use
- Municipal Zoning:**  
District: RUD  
Minimum setbacks:  
Front: 0 feet  
Side: 0 feet  
Rear: 0 feet
- Parking Requirements:**  
Min. Parking Space Dimensions: 8 x 18 feet  
Min. Drive Aisle Width: 24 feet  
Required Parking Spaces: Per suburban standard (note Lowell does not have an urban standard) 2 per dwelling  
  
Phase 1 - 14 residential units  
Required Spaces: 28  
Provided Spaces: 55 (17 garage spaces + 38 visitor spaces)  
  
Phase 2 - 25 residential units  
Required Spaces: 50 (batter phase 1 and 2)  
Provided Spaces: 55 previous + 9 proposed spaces + 18 Offalls along High Street  
Provided Spaces: 82 total spaces phase 1 and 2
- Site Access:**  
Phase 1: Provided from private drive from King Street and High Street.  
Phase 2: Intended to be provided from High Street and Internally from Phase 1 drives.
- Public Utilities:**  
Phase 1:  
Proposed sanitary lateral from existing services in Monroe Street.  
Proposed water service from existing services in Monroe Street.  
Phase 2:  
Existing services (sewer and water) from Monroe Street.  
Private utility services (gas, phone, electric, cable) for all phases will all be buried underground within the site.  
All proposed open access will be properly dedicated to residents in the development.
- Stormwater Management:**  
Methods are not present on the site.  
Project site is within the 100-year Floodplain (Base Flood Elevation= 635). An application for activities within the floodplain is being submitted to FEMA.  
A stormwater conveyance system is provided onsite. As the site is located within a floodplain, stormwater management goals of the project focus on providing stormwater quality improvements and maintaining onsite grading characteristics to provide storage for impending flood conditions. Some site grading with occur to ensure no net flood plain fill.
- Site Lighting:**  
Site lighting will be in accordance with the City's ordinance.  
All proposed fixtures will be downcast full cut-off fixtures so that they are shielded from adjacent properties.
- Signage:**  
Proposed signage will be in accordance with the City Zoning Ordinance.

- LEGEND**
- 1. NEW DRIVE - NEW
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- LEGEND**
- 1. EXISTING PAVEMENT
  - 2. PROPOSED S.D. BITUMINOUS PAVEMENT
  - 3. PROPOSED CONCRETE / WALK
  - 4. PROPOSED HEAVY DUTY CONCRETE
  - 5. PROPOSED POLE MOUNTED LIGHT
  - 6. PROPOSED WALL MOUNTED LIGHT
  - 7. PROPOSED STREETCART LIGHT
- SITE PLAN KEYNOTES**
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181278

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C2.0

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10/1/2023

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TODD SCHAAL

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TODD SCHAAL

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

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



*Joyol*

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

## APPLICATION FOR SITE PLAN REVIEW / SPECIAL LAND USE

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

1. Street Address and/or Location of Request: 2399 W Main St. Lowell, MI 49331
2. Parcel Identification Number (Tax I.D. No.): #41-20-03-301-022
3. Applicant's Name: Brian Toma Phone Number 586-222-2232  
Address: 222 E Merrill St. Ste 102 Birmingham, MI 48009  

Street

City

State

Zip

Fax Number 248-792-9796

Email Address brian@btholdings.com
4. Are You: ☐ Property Owner ☐ Owner's Agent ☐ Contract Purchaser ☒ Option Holder
5. Applicant is being represented by: Chris Yermian Phone Number 248-464-8860  
Address: 222 E Merrill St. Ste 102 Birmingham, MI 48009
6. Present Zoning of Parcel Industrial Present Use of Parcel Vacant
7. Description of proposed development (attach additional materials if needed):  
SEE ATTACHED - BUSINESS PLAN  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

Type or Print Your Name Here: Brian Toma

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

*[Signature]*  
Owner  
*Todd W. Handman*

*05-11-2020*

Date

# williams&works

engineers | surveyors | planners

## MEMORANDUM

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

Chris Yermian, on behalf of BRT Capital 3 LLC, has submitted a site plan for review and special land use approval to construct an adult use marihuana establishment at 2399 W. Main Street (PPN 41-20-03-301-022). The subject property is located in the I Industrial district, where adult use marihuana establishments are only permitted by special land use. The purpose of this memorandum is to review the request pursuant to Chapter 17 Special Land Uses and Chapter 18 Site Plan Review of the City of Lowell Zoning Ordinance.



### Background

The subject property is approximately 0.32 acres in the I Industrial district. The property was previously used as a car dealership and there is an existing building located on the property. A purchase agreement for the property was included with the application. The applicant is proposing to use the existing building, which is approximately 1,945 square feet, for the adult use marihuana establishment. The building exterior would be updated and several new walls would be constructed inside the building, as indicated on the floor plan.

The subject property is adjacent to the I Industrial district along north, south, and east property boundaries. Across West Main Street to the south is the C3 General Business district, which is occupied by a credit union. The proposed use would be an adult use recreational marihuana retailer. By definition, "marihuana retailer" is a type of adult use marihuana establishment.

### Completeness of Submission

The applicant has submitted site plan documents for review. Section 18.04 B provides a list of information required for a detailed site plan review, unless deemed unnecessary by the zoning

enforcement officer. We find that the site plan is generally complete for review; however, the following items were not included:

- **Curve radii, signs, and lighting, 18.04 B(j).** Dimensions and radii of all existing and proposed driveways and the locations of signs and exterior lighting on the site plan. The applicant has proposed to use the existing driveway from Main Street to access the site.
- **Adjacent zoning and uses, 18.04 B(l).** The existing zoning and use of all properties abutting the subject property.
- **Landscape details, 18.04 B(m).** The size of all proposed landscaping should be included in the site plan, along with the height and type of existing and proposed fences and walls.
- **Utilities, 18.04 B(n).** The size and location of existing and proposed utilities, including any proposed connections to public sewer or water supply systems.
- **Topography, 18.04 B(p).** Existing and proposed topographic contours at a minimum of 5-foot intervals.
- **Cost estimates, 18.04 B(r).** Estimates for all public improvements included as part of any performance guarantee, if required.

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

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

- **Security plan, 17.04 FF(4)(c).** Items addressed in our confidential security memo dated July 8, 2020.
- **Building materials, 17.04 FF(4)(e).** Window calculations were not submitted. All other building material information has been received.

## **SITE PLAN REVIEW**

**Setbacks and Dimensional Requirements.** Setbacks are not indicated on the site plan. It appears that the building would meet front and side yard setbacks, but is unlikely that it would meet the rear yard setback for the I district in Section 13.04 of the Ordinance. Therefore, this building would be considered legally nonconforming in regards to its location on the property. Section 4.13 A(5) allows nonconforming buildings to receive ordinary repairs or “repair or replacement of walls, fixtures, wiring or plumbing” as long as the building is not altered or increased except in compliance with Section 4.13. Further, Section 4.13 A(7) allows a change in tenancy, ownership, or management of nonconforming buildings. Because the applicant is intending to use the existing building, it is expected that renovations would comply with Section 4.13 A(5) and the building may remain nonconforming during the change of ownership as

allowed in Section 4.13 A(7). However, the applicant should be aware that any future expansions or exterior modifications to the building would have to be completed in accordance with Section 4.13 of the Ordinance.

**Site Development Requirements.** Section 13.04 A through E provides site development requirements. The applicant's proposal meets all site development standards, except for subsection D related to parking. Section 13.04 D requires all parking areas to be located at least 25 feet from the rear lot line. The current parking area on the site extends back to the rear lot line; therefore, the parking area is legally nonconforming.

**Landscaping.** Section 4.26 E(2) requires front yard landscaping of one canopy tree and three deciduous shrubs for each 30 feet of lot width. The subject property is approximately 100 feet wide, requiring three canopy trees and 10 deciduous shrubs. The applicant has proposed 10 shrubs along the front property line, all of which are evergreen, and two landscape areas along the curb cut (although the curb cut is not on the subject property). The Planning Commission may address this with the applicant, and may approve an alternative landscaping arrangement (including the proposed landscaping) if deemed appropriate.

Section 4.26 E(3) provides standards for parking lot landscaping. The extent to which the applicant intends to change the parking lot is uncertain, as it is largely connected to the adjacent site. Major changes are described in subsection (a) and include replacement or alteration of existing drainage elevations or structures affecting more than 50% of the parking lot and the reconstruction of the parking lot affecting more than 25% of the existing parking lot, including the removal of existing pavement and drainage structures. If the change is considered major, parking lot landscaping would be required in accordance with Section 4.26 E(3)(b) and (c).

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

**Lighting.** The applicant has submitted a lighting plan, which describes lighting as being fully shielded and designed to minimize off-site glare or light trespass in accordance with Section 4.24 E(2) and (3). The applicant indicated in the Security Plan narrative that exterior lights at all points of entry and exit would remain continually illuminated. Exterior lights in the parking area would also remain on throughout the night. Other exterior and interior lights would be on a timed delay and be turned off after the business has closed. However, the specific type, height, and location of exterior lighting is not indicated in either the narrative or the site plan. The Planning Commission may address lighting with the applicant.

**Signage.** The applicant has submitted a Business Plan narrative that acknowledges compliance with all municipal and state laws, rules, and ordinances regarding signage and advertising. Sign examples are provided in the Business Plan and a wall sign is depicted on the front building elevation. Specific sign details, such as illumination, height, and area are not indicated. It is also unknown whether there will be any additional signage on the property, such as a pole or ground sign. Compliance with Chapter 20 (Signs) may be addressed as a condition of approval.

**State License.** The applicant has submitted an official letter stating that they have obtained prequalification status pursuant to the licensing provisions of the Michigan Regulation and

Taxation of Marihuana Act. As a condition of approval, the City may require a copy of the state license to be submitted once it is obtained.

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

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

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

**Remarks:** The proposed use is permitted as a special land use in the I district and would function as a retail establishment. The previous use was a car dealership and there is an existing building on the site, which would be occupied for the proposed use. Because the applicant has proposed to only make structural alterations to the building interior, the relationship of the existing building to others in the area would remain essentially the same. Other neighboring uses are industrial and commercial in nature. The property directly to the east is proposed to be used as a growing and processing facility. Since the development will be similar in overall size and layout as the previous site, it is not expected that the site would impede the normal and orderly development or improvement of surrounding properties.

Although contours are not provided on the site plan, the subject property is relatively flat as it is almost entirely paved from the previous use. The applicant is not proposing the expansion of impervious surface; rather, additional natural features are proposed, which would increase overall vegetation on the site. Measures for stormwater management are not indicated, although a leach basin is located on the adjacent property and may facilitate drainage for the subject property. The Planning Commission may defer to the City Engineer for comments regarding stormwater management.

Because pavement is continuous between the subject property and adjacent property to the west, the property boundary is not easily recognizable on the ground. The applicant has proposed to orient parking spaces perpendicular to the property boundary; however, a curb or parking block is not indicated on the site plan to designate the property boundary. Because the applicant's property boundary is located near the access gate to the self-storage buildings, the Planning Commission may consider measures to ensure parking will not block access routes on adjacent property, such as through curbing or parking blocks.

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

**Remarks:** Entrance to the subject property would occur from an existing curb cut. On the site plan, the applicant has indicated a designated route from the curb cut to the subject property through a 20-foot driveway entrance. The entrance would be designated by striped lines, separating it from parking areas. The proposed parking spaces would have a different orientation than those that currently exist on the site, which is expected to help define the subject property's western boundary. However, the site plan does not indicate any curbing or parking blocks that would prevent vehicles from driving through the parking spaces onto the adjacent property. The Planning Commission may discuss this with the applicant to ensure vehicles do not frequently and unknowingly trespass onto adjacent property, unless an agreement for such traffic circulation is made between the two properties.

The applicant has proposed a total of 17 parking spaces, two of which appear to be designated as ADA spaces. Section 19.07 requires one parking space for each 200 square feet of gross floor area. The existing building is approximately 1,945 square feet, equating to 10 required parking spaces. Therefore, the applicant has met the minimum parking requirement. All parking spaces, except two, would be 20 feet long by 10 feet wide, which exceeds the minimum dimensional requirements of Section 19.06.

One van-accessible ADA space is required for the proposed use and the applicant has indicated two ADA spaces near the building. The proposed dimensions are 20 feet long by 9 feet wide and include a 6-foot access aisle. These spaces do not meet ADA dimensional requirements, which require an 11-foot-wide space for vans. The van accessible space may be reduced to 8-feet-wide only if the access aisle is also 8 feet. The Planning Commission may discuss ADA parking with the applicant.

As a final note related to parking, ten spaces may not be enough to adequately handle parking needs on the site, particularly when employee parking is included, based on the experience of previous applicants in the city. The city may require a deferred or shared parking arrangement with an adjacent property to handle any potential excessive parking.

Sidewalks currently exist along a portion of the western building exterior and the front of the building. Considering the small space and parking arrangement, there are limited areas for sidewalks. However, the side and front sidewalks may be connected to provide a stronger connection from the side parking area to the front of the building. The Planning Commission may discuss this with the applicant.

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

**Remarks:** The subject property would share the existing curb cut with an adjacent property, which is currently an equipment rental and self-storage facility. This curb cut was previously approved along West Main Street and would remain the access point for the proposed use. The Planning Commission may request a copy of the shared access agreement between both properties. MDOT also has jurisdiction over driveway location and turning movements onto West Main Street. If a driveway permit is issued by MDOT and a shared access agreement has been arranged, the Planning Commission may find this standard met.

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

**Remarks:** The applicant has proposed no removal or alteration of significant natural features, as the site is almost entirely impervious. See our general site plan review comments regarding landscape requirements. Maintenance of landscaping, buffers, and/or greenbelts may be addressed as a condition of approval.

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

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

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

**Remarks:** The purpose of the I Industrial district is to provide industrial and related uses that serve the employment needs of City residents and protect residential areas from negative impacts often associated with more intense uses. The applicant has indicated in the business plan narrative the intent to hire locally and use, if possible, local contractors. The proposed site development appears to align well with the intent of industrial uses in the I Industrial district.

The City of Lowell's Master Plan was adopted in 2007 and outlines a desired vision for land uses in the City. The subject property is located in the Highway Business future land use category. This designation is intended towards uses that accommodate automobile traffic, including retail uses. Therefore, the proposed retail development aligns with this future land use vision. The Planning Commission may find this standard met.

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

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

**Remarks:** The proposed use would occupy an existing building, only making internal structural modifications. Therefore, the building size and proximity to other properties would remain the same. The applicant has submitted building elevations illustrating the proposed design and building materials and a narrative describing a Visual Marketing Plan. Based on the proposed building elevations and Visual Marketing Plan, it is expected that the exterior would be appropriate in appearance and not change the essential character of the area. The Planning Commission may find this standard met.

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

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

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

**Remarks:** Because the applicant is proposing to use an existing building, it is expected that all utility connections would already be provided. The applicant is not proposing to grow marihuana on the site, so additional utility requirements are not anticipated beyond those necessary for a normal retail operation. The Planning Commission may request that utility information be included on the site plan, as required in Section 18.04 B(n), to ensure they are adequate for the proposed use.

Although the proposed use is expected to generate more traffic than the previous use, site access would continue to be provided through the existing curb cut and traffic circulation on West Main Street is not expected to be significantly altered.

The applicant has included emergency response and fire safety plans, detailing efforts to promote safety within the site. These include fire alarms, sprinklers, fire extinguishers, monitoring services, and a fire evacuation plan. The Planning Commission may defer to the City Fire Department for comments regarding emergency access on the site.

The site plan indicates a leach basin on the adjacent property, which appears to accommodate stormwater from both sites. There do not appear to be other drainage structures on the property. The Planning Commission may defer to the City Engineer for comments regarding drainage structures.

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



**Remarks:** The proposed use is not expected to create excessive additional requirements at additional public cost. The applicant has not proposed any marihuana grow rooms and other uses that would require increased utilities beyond a typical retail use. It is expected that all necessary utility connections would already be established from the previous use. The applicant has also proposed to actively participate in recycling practices and install energy efficient fixtures, such as toilets and faucets, to reduce water consumption. The Planning Commission may find this standard met.

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

**Remarks:** The proposed marihuana establishment would operate as a retail facility and is not expected to generate excessive traffic, noise, smoke, fumes, or glare. In the Business Plan narrative, the applicant has stated that consumption of marihuana is specifically prohibited on the site. Other odors are proposed to be maintained by locking all marihuana in a vault or closed cabinets at all times. Additionally, the applicant has stated that the HVAC system will be designed to reduce odors.

Compared to the previous use as a car dealership, traffic on the site is expected to increase. The applicant will have to carefully monitor and manage parking, and be prepared to make adjustments to ensure that traffic to the site can be safely accommodated.

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

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

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

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

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

**Remarks:** The applicant submitted an isolation radius map depicting the distance to the closest school, which is farther than the required 1,000-foot isolation radius. The Planning Commission may find this standard met.

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

**Remarks:** The applicant addressed odor mitigation in the Business Plan. This narrative states that "there will never be odor generated from our facility from the use (and/or

consumption) of marihuana that can be detected from the outside of the premises." To achieve this, the applicant has proposed to maintain all marihuana in a locked vault or closed cabinets at all times, except when allowing a patient to view or smell a sample flower. The narrative also states that the HVAC system will be designed to reduced odors by recycling the air. The specific methods by which the air will be recycled and purified are not mentioned, so it is unknown if this will include an air scrubbing and carbon filtration system. Negative air pressure and the continual closure of windows and doors were also not addressed in this plan. The Planning Commission may address these with the applicant and include the filtration system, negative air pressure, and sealed building as conditions of approval.

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

**Remarks:** The applicant submitted a waste disposal plan, which indicates the method of marihuana disposal in accordance with state and local laws, ordinances, and regulations. The applicant states that "any medicinal marijuana product waste must be rendered unusable and unrecognizable through grinding and incorporating the marijuana waste with non-consumable solid wastes" with a mixture of at least 60% non-marihuana waste, which exceeds the minimum percentage required in the LARA Adult-Use Marihuana Establishments Emergency Rules. Additionally, reporting waste destruction is proposed to occur through BioTrackTHC, METRC, and a separate Waste Disposal Log. These are expected to maintain proper and lawful handling of waste.

The proposed floor plan does not indicate the location of waste disposal in the building and the dumpster location is not indicated on the site plan. All marihuana waste must be placed in a secure receptacle and recorded. Secure disposal and the location of the corresponding security camera may be addressed as a condition of approval.

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

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

- f. Any portion of the structure where energy usage and heat exceed typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Fire Department to ensure compliance with applicable fire codes. Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide, or other substance toxic to wildlife, children, or pets shall be stored in a secured and locked area and be in compliance with State pesticide laws and regulations.

**Remarks:** The proposed use would not involve the processing or growing of marihuana. The applicant has provided a narrative with procedures for pest control. This includes the use of clean and sanitized insect and rodent-proof covered trash containers. Material Safety Data Sheets are proposed to be kept and available for all chemicals used on the

premises. Any traps would include a floor plan depicting traps and the type of bait used. These measures are expected to mitigate harmful effects from pest control. As a condition of approval, the Planning Commission may require all chemicals to be stored in a secured and locked area.

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

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

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

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

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

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

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

**Remarks:** Neighboring uses include a large equipment rental and retailer, tobacco retailer, and self-storage facility. Several large trees exist on the adjacent property to the east. Due to the existing pavement and building, there is limited space for additional landscaping beyond where the applicant has already proposed it. Given the general commercial and industrial nature of the surrounding area, additional landscape buffers or screening may not be required.

- k. The owner and/or licensee shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from and are provided to other permitted and licensed cannabis operations. The city shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the city upon request.

**Remarks:** The applicant has included an Inventory and Record Keeping Plan in the Business Plan document. The applicant proposes to use BioTrackTHC to provide patient management, point of sale, and inventory control. This program is stated as being specifically designed for the cannabis industry and meets all state requirements. The applicant also includes procedures for identifying inventory discrepancies, including daily audits of all products each morning and reconciliation with the point of sale system at the end of the day. The Planning Commission may include the right to examine, monitor, and audit such records and documentation as a condition of approval.

- l. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure which contains electrical wiring, lighting, and/or watering devices that support the cultivation growing or harvesting of marihuana.

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

- m. In the event of any conflict, the terms of this ordinance are preempted and the controlling authority shall be the statutory regulations set forth by the MRTMA or the adopted Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.

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

**Recommendation.** At the July 13 public hearing, the Planning Commission should discuss the site plan, application, and carefully consider any comments from the public and the applicant. Subject to those comments, the Planning Commission may approve the site plan and special land use. If approved, we suggest the following conditions be included, along with any others deemed necessary:

1. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
2. The applicant shall comply with any requirements from the City's Department of Public Works, City Engineer, City Fire Department, City Police Department, or other City officials.
3. The proposed special land use shall comply with all applicable federal, state, and local requirements, and copies of all applicable permits shall be submitted to the City.
4. The applicant shall continually comply with applicable ordinances, codes, and requirements of the City of Lowell.
5. The applicant shall include all missing items as required in Section 18.04 B, 17.04 FF(3) and 17.04 FF(4) and noted above in "Completeness of Submission" on the site plan, unless deemed unnecessary by the Zoning Enforcement Officer.
6. The applicant shall submit a copy of a provisional license issued by the City of Lowell pursuant to Chapter 28 of the city of Lowell code of ordinances. The facility shall not open until appropriate operating licenses have been obtained from the City of Lowell and the State of Michigan.
7. The applicant shall submit a copy of the state license to operate the marihuana facility to the City.
8. Exterior lighting shall comply with Section 4.24 of the Zoning Ordinance.
9. Signage shall comply with Chapter 20 of the Zoning Ordinance and a sign permit shall be obtained prior to the erection of any signage on the site.
10. The security plan shall address the items outlined in our confidential memo dated July 8, 2020.
11. The applicant shall comply with the landscape standards of Section 4.26 of the Zoning Ordinance, unless specifically waived by the Planning Commission.

12. Plant materials and lawn areas shall be maintained in a healthy condition and be neat and orderly in appearance. If any plant material required by this Ordinance dies or becomes diseased, it shall be replaced.
13. An MDOT driveway permit shall be obtained prior to occupancy.
14. The planning commission may require a cross access easement between the subject property and neighboring properties to the east and west.
15. The trash enclosure shall be depicted on the site plan and shall be secure and locked at all times.
16. The marihuana establishment shall not also sell alcoholic beverages or tobacco products.
17. Parking areas shall be designed so that vehicles do not trespass onto adjacent property. The ADA parking spaces shall be designed to meet ADA minimum standards for parking space dimensions. The Planning Commission may require the applicant seek a shared parking arrangement with a neighboring property to ensure that sufficient parking is provided.
18. The applicant shall submit a copy of a shared access agreement to the City indicating permission to share the existing curb cut on the adjacent property.
19. The marihuana establishment shall comply at all times and in all circumstances with the MTRMA and applicable Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.
20. The applicant shall include a carbon filtration system and maintain negative air pressure in the building to mitigate any odors that may result from the establishment. Doors and windows shall remain closed except for the time needed to allow people to ingress or egress the building.
21. Any chemicals used on the property shall be stored in a secured and locked area.
22. The owner and/or licensee shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from and are provided to other permitted and licensed cannabis operations. The city shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the city upon request.
23. In the event of any conflict, the terms of this ordinance are preempted and the controlling authority shall be the statutory regulations set forth by the MRTMA or the adopted Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.

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

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

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



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

## APPLICATION FOR SITE PLAN REVIEW / SPECIAL LAND USE

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

1. Street Address and/or Location of Request: 2335 W. Main Street, Lowell MI 49331
2. Parcel Identification Number (Tax I.D. No.): #41-20- 03-301-033
3. Applicant's Name: Five Lakes Farm, LLC Phone Number 616-481-5665  
Address: 831 Wealthy St. SW, Grand Rapids, MI 49504  

StreetCityStateZip

Fax NumberEmail Address ckorn1297@yahoo.com
4. Are You: ☐ Property Owner ☐ Owner's Agent ☐ Contract Purchaser ☒ Option Holder
5. Applicant is being represented by: Andrea Hendrick Phone Number 616-218-7669  
Address: \_\_\_\_\_
6. Present Zoning of Parcel I - General Industry Present Use of Parcel Industrial warehouse
7. Description of proposed development (attach additional materials if needed):  
The propose industrial space will be reused for an adult use marijuana grower and processor.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Signature: Casey Kornoelje Date: Jun 12, 2020

Type or Print Your Name Here: Casey Kornoelje

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

SOLE MEMBER OF/ON BEHALF OF  
1313 KATH, LLC

6-12-20  
Date

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

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



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

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

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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

See Attached






# LOWELL SLU APPLICATION

Final Audit Report

2020-06-12

Created:	2020-06-12
By:	Pete Simmons (psimmons@wrigleyhoffman.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAACfZ-eoSVqL0sPjvLLtWgxizu8B_RTvx

## "LOWELL SLU APPLICATION" History

-  Document created by Pete Simmons (psimmons@wrigleyhoffman.com)  
2020-06-12 - 3:46:31 PM GMT- IP address: 74.94.228.177
-  Document emailed to Casey Kornoelje (ckorn1297@yahoo.com) for signature  
2020-06-12 - 3:47:39 PM GMT
-  Email viewed by Casey Kornoelje (ckorn1297@yahoo.com)  
2020-06-12 - 3:54:12 PM GMT- IP address: 107.77.194.26
-  Document e-signed by Casey Kornoelje (ckorn1297@yahoo.com)  
Signature Date: 2020-06-12 - 3:55:01 PM GMT - Time Source: server- IP address: 107.77.194.26
-  Signed document emailed to Pete Simmons (psimmons@wrigleyhoffman.com) and Casey Kornoelje (ckorn1297@yahoo.com)  
2020-06-12 - 3:55:01 PM GMT



Adobe Sign

# SITE PLAN



## NOTES:

1. Zoning: I, Industrial
2. Parking Requirements: 1 for every 2,000 GFA  
Total Required: 11  
Total Existing: 33
3. Landscaping Requirements: Front Yard: at least 1 canopy tree and 3 deciduous shrubs for each 20 feet of lot width.
4. All buildings, drives, parking spaces and storm water retention are existing.
5. No exterior modifications are proposed to the buildings.
6. A six-foot privacy fence will be added to the east property line to screen the adjacent religious establishment from the industrial use. All appropriate permits will be obtained with the City of Lowell.
7. The east curb cut will be removed and replaced with grass and appropriate landscaping. All necessary permits will be obtained with the City of Lowell and Michigan Department of Transportation.

LEGAL DESCRIPTION: PART OF SW 1/4 COM 1073 FT ELY ALONG N LINE OF FULTON ST /STL-M21 100 FT WIDE/ FROM W SEC LINE TH E ALONG N LINE OF SD ST 255.7 FT TO A LINE WHICH EXT N FROM A PT WHICH IS 1335 FT W ALONG S SEC LINE FROM S 1/4 COR TO A PT WHICH IS 1347 FT E ALONG E&W 1/4 LINE FROM W 1/4 COR TH NLY ALONG SD EXT LINE 453.5 FT TO A PT 1202 FT NLY ALONG SD LINE FROM S SEC LINE TH NWLY ALONG A LINE WHICH EXT NWLY WOULD INT W SEC LINE AT A PT 825 FT S FROM W 1/4 COR TO A LINE BEARING N FROM BEG TH S TO BEG \* SEC 3 T6N R9W 3.11 A.



## PROJECT

2335 W  
MAIN  
LOWELL,  
MICHIGAN

ADULT  
USE  
MARIJUANA  
ESTABLISHMENT

DATE:	DATE:
PROJECT NO.	NO.
1	2021
2	
3	
4	
5	
6	

NOT FOR CONSTRUCTION

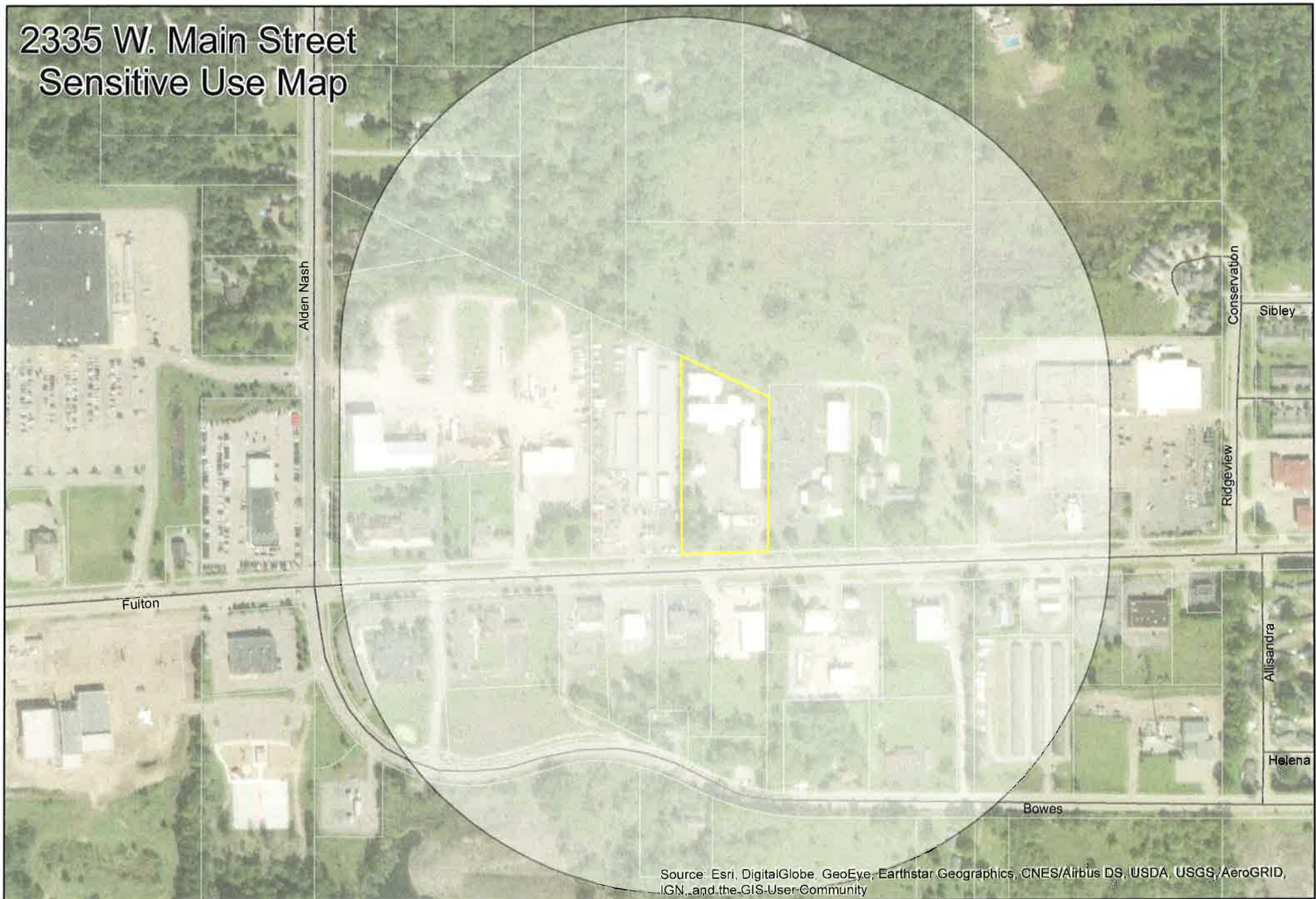
2335 W  
MAIN ST  
SITE PLAN

SCALE: 1/8"=1'-0"

DRAWN BY: SB

CHECKED: 1.3

# 2335 W. Main Street Sensitive Use Map



There are no schools or childcare facilities within 1,000 feet of the proposed location. No new child care centers have registered with the Michigan Department of Regulatory Affairs within 1,000 feet of the potential site.

- Measurements were calculated using ArcGIS measurement tool
  - Coordinate System: NAD 1983 State Plane Michigan South, Feet
  - Projection: Lamberts Conformal Conic
- Date: 5/7/2020

0 250 500 1,000 Feet



#### STAFFING PLAN

The facility will employ 18 staff members after Phase 1 is complete. An additional 8 staff members will be added after the completion of Phase 2.

The general facility hours will be from 9:00 a.m. to 9:00 p.m.

Staff Members	Phase 1	Phase 2
Directory of Operations	1	0
Head Grow	1	0
Head Processor	1	0
Trimmers	4	4
Processors	4	4
Administration	1	0
Human Relations	1	0
Security	4	0
Facility Manager	1	0
Total Staff	18	26

#### STORAGE OF MARIJUANA PRODUCT

Marijuana or a marijuana product that is subject to a product recall issued in METRC, by the MRA, or other state or municipal agency, or by the manufacturer will immediately be pulled from the sales floor and/or removed from salable inventory and not sold or transferred. Such product will be quarantined from salable product and stored in the unsaleable marijuana product lockup pending further instruction from the MRA. Unsaleable marijuana or a marijuana product pending destruction also will be quarantined from salable product and stored in the unsaleable marijuana product lockup pending further instruction from the MRA as to the required disposition of the product.

#### DESTRUCTION OF MARIJUANA PRODUCT

Marijuana or a marijuana product that is to be destroyed or is considered waste will be rendered into an unusable and unrecognizable form through grinding and incorporating the marijuana product waste with non-consumable solid waste as specified in the Michigan Regulation and Taxation of Marijuana (MRTMA) Emergency Rules so that the resulting mixture is not less than 50% non-marijuana product waste. The non-marijuana admixture will consist of some or all of the following:

1. Paper waste.
2. Cardboard waste.
3. Fermented organic matter or other compost activators.
4. Other wastes approved by the department that will render the marijuana product waste unusable and unrecognizable.

We will use a Earthwise 1.25 15 amp electric corded chipper to dispose of marijuana. Products to be disposed of will be mixed with solids in categories 1-4 above and shredded, and then re-shredded if needed to ensure adequate mixing and homogenization, before being placed in a secure receptacle for municipal disposal. The translucent container will allow for visualization of the efficacy of the shredder. Marijuana or a marijuana product rendered unusable and unrecognizable and, therefore, considered waste will be recorded in the statewide monitoring system ("METRC").

This facility will not sell marijuana waste or marijuana products that are to be destroyed, in the case that a product recall or hold, or that the Marijuana Regulatory Agency (MRA) or City of Lowell orders destroyed.

We will manage all waste that is hazardous waste pursuant to part 111 of 1994 PA 451, MCL 324.11101 to 324.90106.

#### **DISPOSAL OF MARIJUANA PRODUCT**

We will dispose of marijuana product waste complying with all City of Lowell's rules and regulations regarding such in a secured waste receptacle using one or more of the following:

1. A manned and permitted solid waste landfill.
2. A manned compostable materials operation or facility.
3. In a manner in compliance with applicable state laws and regulations.

We will maintain accurate and comprehensive records regarding marijuana product waste that accounts for, reconciles, and evidences all waste activity related to the disposal.

For the purposes of this plan, "unrecognizable" means marijuana product rendered indistinguishable from any other plant material.

We will NOT dispose of marijuana product waste by on-site burning or introduction into the sewerage system pursuant to City of Lowell Codified Ordinances.

#### **Regulated Material Storage**

We will be using n-butane (an alkane with the formula  $C_4H_{10}$ ) and ethyl Alcohol (ethanol) for hydrocarbon extraction facility. All hydrocarbon extraction activities, use, storage will take place in a Class 1 Division 1 (C1D1) Extraction Booth. The C1D1 are equipped with explosion proof fans, gas monitoring systems, alarms/horns, C1D1 lighting and control panel equipped with safety interlocks required by NFPA 1 chapter 38, IFC, and State and local codes. The C1D1 booth construction have a 36 in. clearance around exterior of walls to ensure proper air flow. All machinery exhaust fumes will retain a minimum 10 ft. air intake and exhaust with additional fire suppression. All flammable products brought into and stored at the facility will be stored in accordance with local and State regulations.

Our facility will be using bleach products for our cleaning applications, which will be stored in the janitorial room of our facility. We will be using the following listed OMRI pesticides Big Time Exterminator. These products will be stored in our supplies closet.

#### **Contaminant Mitigation**

The facility will have constant climate control that regulates temperature and moisture. The facility will be cleaned regularly. The interior of the current facility will be retrofitted to create separate smaller rooms within the existing facility design. In the case of a mold outbreak, all product will be disposed of in the aforementioned manner. The infected section of the facility will be closed off from the remaining facility and extensive cleaning will occur before the area is used again.

The facility will follow all State and local standards with regards to waste water discharge.



# williams&works

engineers | surveyors | planners

## MEMORANDUM

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

Five Lakes Farm, LLC, represented by Andrea Hendrick, has submitted an application for site plan review and special land use approval to construct an adult use marijuana establishment at 2335 W. Main Street (PPN 41-20-03-301-033). The subject property is located in the I Industrial district, where adult use marijuana establishments are only permitted by special land use. The purpose of this memorandum is to review the request pursuant to Chapter 17 Special Land Uses and Chapter 18 Site Plan Review of the City of Lowell Zoning Ordinance.

### Background

The subject property has an area of approximately 3.1 acres in the I Industrial district. The I Industrial district is also adjacent to the west, the R3 Multiple Family Residential district is adjacent to the north, the PF Public Facilities district is adjacent to the east, and the C3 General Business district is across Main Street to the south.

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

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



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

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

### **Completeness of Submission**

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

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

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

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



## **SITE PLAN REVIEW**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Signage.** The site plan does not address signage. Compliance with Ordinance requirements may be addressed as a condition of approval.

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

**Provisional License.** The applicant has not yet received a provisional license issued by the City of Lowell, but a completed application was included with the submittal. Therefore, the Planning Commission shall require a license from the City of Lowell as a condition of special land use approval.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Remarks:** Few modifications are proposed to the site's exterior. The applicant has not proposed the removal of any trees from the site. The applicant has also proposed additional landscaping to replace the second curb cut. Specific landscape details were not provided. See our general site plan review comments regarding landscape requirements. Maintenance of landscaping, buffers, and/or greenbelts may be addressed as a condition of approval.

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

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

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

**Remarks:** The purpose of the I Industrial district is to provide industrial and related uses that serve the employment needs of City residents and protect residential areas from negative impacts often associated with more intense uses (Section 13.01). The establishment will employ 18 staff members after phase 1 and an additional 8 staff members after phase 2, totaling 26 employees. The I district would likely be the most suitable district for a growing and processing operation, due to intensity of the proposed use. However, the purpose of this district in Section 13.01 includes careful protection of residential areas in the City. Considering the R3 Residential district behind the subject property and the reduced setbacks of the legally nonconforming use, the Planning Commission may consider the impact of the industrial use to ensure the welfare of all surrounding areas is maintained in accordance with the purpose of the Industrial district.

The City of Lowell's Master Plan was adopted in 2007 and outlines a desired vision for land uses in the City. The subject property is located in the Highway Business future land use category. This designation is intended for uses that accommodate automobile traffic, including retail, office, and service uses. It is also intended to correspond with regulations and land uses permitted in the C-3 General Business district; therefore, the plan envisions the business district expanding slightly west along W. Main Street to include the subject property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

- i. The building must be equipped with an activated air scrubbing and carbon filtration system that eliminates all odors prior to leaving the building. Fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
- ii. Air scrubbing and filtration systems must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.
- iii. Negative air pressure must be maintained inside the building.
  1. At a ratio of 1:4 between the air intake (CFM) and exhaust fan (CFM), or a similar ratio as approved by the planning commission.
  2. A minimum negative pressure of 0.01" water column relative to the building exterior and to adjacent spaces without product.
  3. A minimum exhaust rate of 0.2 CFM per square foot of floor area or greater.
- iv. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
- v. The planning commission may approve an alternative odor control system if a mechanical engineer licensed in the State of Michigan submits a report that sufficiently demonstrates the alternative system will be equal or superior to the air scrubbing and carbon filtration system otherwise required above.

**Remarks:** The site plan states that any odors in air exhausted outside will pass through an activated charcoal filter system and that negative air pressure will be maintained inside the building, in accordance with the above requirements. Standard HVAC systems are proposed in office areas, typical corridors, and other "standard" spaces. However, air exhausted from these spaces will still pass through the activated charcoal filters. Individual HVAC systems are proposed for each grow and vegetation room, totaling six units for phase 1. Grow areas will have grade-mounted packaged heating and cooling units, which will each have a charcoal filtration section as necessary. These measures of odor mitigation are expected to sufficiently eliminate any odor generated from the site. The Planning Commission may find this standard met.

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

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

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

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

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

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

- f. Any portion of the structure where energy usage and heat exceed typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Fire Department to ensure compliance with applicable fire codes. Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide, or other substance toxic to wildlife, children, or pets shall be stored in a secured and locked area and be in compliance with State pesticide laws and regulations.

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

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

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

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

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

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

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

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

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

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

- k. The owner and/or licensee shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from and are provided to other permitted and licensed cannabis operations. The city shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the city upon request.

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

- l. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure which contains electrical wiring, lighting, and/or watering devices that support the cultivation growing or harvesting of marihuana.

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

- m. In the event of any conflict, the terms of this ordinance are preempted and the controlling authority shall be the statutory regulations set forth by the MRTMA or the adopted Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.

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

### **Recommendation**

At the July 13 public hearing, the Planning Commission should discuss the site plan, application, and carefully consider any comments from the public and the applicant. Subject to those comments, the Planning Commission may approve the site plan and special land use. If approved, we suggest the following conditions be included, along with any others deemed necessary:

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

2. The applicant shall comply with any requirements from the City's Department of Public Works, City Engineer, City Fire Department, City Police Department, or other City officials.
3. The proposed special land use shall comply with all applicable federal, state, and local requirements, and copies of all applicable permits shall be submitted to the City, including approval from MDOT and Lowell Light and Power
4. The applicant shall continually comply with applicable ordinances, codes, and requirements of the City of Lowell.
5. The applicant shall include all missing items as required in Section 18.04 B, 17.04 FF(3) and 17.04 FF(4) and noted above in "Completeness of Submission" on the site plan, unless deemed unnecessary by the Zoning Enforcement Officer.
6. The applicant shall submit a copy of a provisional license issued by the City of Lowell pursuant to Chapter 28 of the city of Lowell code of ordinances. The facility shall not open until appropriate operating licenses have been obtained from the City of Lowell and the State of Michigan.
7. The applicant shall submit a copy of the state license to operate the marihuana facility to the City.
8. The applicant shall continually comply with all site development requirements in Section 13.04 A-E of the Zoning Ordinance.
9. The applicant shall comply with all landscape and screening requirements of Section 4.26, unless specifically waived by the Planning Commission.
10. Plant materials and lawn areas shall be maintained in a healthy condition and be neat and orderly in appearance. If any plant material required by this Ordinance dies or becomes diseased, it shall be replaced.
11. The applicant shall provide two ADA barrier free parking spaces, one of which is van accessible, on the site.
12. Signage shall comply with Chapter 20 of the Zoning Ordinance and a sign permit shall be obtained prior to the erection of any signage on the site.
13. The security plan shall address the items outlined in our confidential memo dated June 24, 2020.
14. The applicant shall submit a signed and notarized copy of the statement of consent to the City.
15. The applicant shall receive approval from and comply with any requirements of MDOT and Lowell Light and Power.
16. Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.

17. An MDOT driveway permit shall be obtained prior to occupancy.
18. The planning commission may require a cross access easement between the subject property and neighboring properties to the east and west.
19. A trash enclosure, if provided, shall be secure and locked at all times.
20. Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide, or other substance toxic to wildlife, children, or pets shall be stored in a secured and locked area and be in compliance with State pesticide laws and regulations and be subject to inspection and approval by the Fire Department to ensure compliance with applicable fire codes.
21. The marihuana establishment shall not also sell alcoholic beverages or tobacco products.
22. The marihuana establishment shall comply at all times and in all circumstances with the MTRMA and applicable Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.
23. The owner and/or licensee shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from and are provided to other permitted and licensed cannabis operations. The city shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the city upon request.
24. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure which contains electrical wiring, lighting, and/or watering devices that support the cultivation growing or harvesting of marihuana.
25. In the event of any conflict, the terms of this ordinance are preempted and the controlling authority shall be the statutory regulations set forth by the MRTMA or the adopted Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.

2020				
Open Date	Close Date	Address	Name/Business	Subject
01/6/2020	01/16/2020	930 Sibley	Darla Maloney	Egress Window
02/21/2020	02/21/2020	159 S. West	Suzie Reinbold	Various Repairs
03/7/2020	03/07/2020	220 N. Division	David Brandt	Fence
03/11/2020	03/11/2020	1751 Gee Drive	Tony Beers	Partial finish basement
03/03/2020	03/18/2020	1264 Fun	John VanderWilp	Pole Barn
03/24/2020	03/26/2020	722 N. Washington	Sue Murley	Various Imp Inside
04/14/2020	04/17/2020	917 Lincoln Lake	Michael Johnson	Shed
03/31/2020	04/03/2020	1701 Faith	Dean Milstead	Shed
04/21/2020	04/24/2020	1100 Sibley	Brian Cook	Fence
04/27/2020	04/30/2020	1020 Sibley	Tracie Eikey	Fence
04/27/2020	05/01/2020	1965 W. Main	Meds Café	Temp Sign
04/27/2020	05/12/2020	1100 Sibley	Brian Cook	Deck
05/08/2020	05/08/2020	318 Lincoln Lake	Casmir Delnick	Pool
05/28/2020	06/02/2020	1115 E. Main	Louis D'Agostino	Renovation/Porch
05/28/2020	06/01/2020	312 E. Main	ZPS Investments	Demo
06/02/2020	06/04/2020	1335 W. Main	H&H Management	Renovation
06/11/2020	06/11/2020	203 N. Hudson	Robert Halvorson	Fence
06/09/2020	06/23/2020	2475 Gee Drive	Scott and Brandi Barriger	Covered Porch
06/23/20	06/23/20	257 Donna	Elizabeth Sparks	Reroof
06/08/20	06/23/2020	2050 W. Main	T-Mobile	Signs
06/22/2020	06/23/2020	924 N. Hudson	Emma Wikstrom	Fence
06/16/2020	06/24/2020	96 & 100 W. Main	Scott Brown Enterprises	Interior Demo