



301 East Main Street  
Lowell, Michigan 49331  
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PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE  
CITY OF LOWELL, MICHIGAN  
AGENDA  
FOR THE REGULAR MEETING OF  
MONDAY, APRIL 11, 2022 AT 7:00 P.M.

1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS
  - a. February 14, 2022 – Regular Meeting
4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
5. OLD BUSINESS
  - a. Public Hearing - Proposed Adult Use Marihuana Zoning Amendment
6. NEW BUSINESS
  - a. Public Hearing – Grand Rapids Gravel – Special Land Use Re-Application
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, FEBRUARY 14, 2022 AT 7:00 P.M.**

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

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

Present: Commissioners Tony Ellis, Amanda Schrauben, Collin Plank, Marty Chambers, Michael Gadula and Chair Bruce Barker.

Absent: Commissioner Dave Cadwallader.

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

**2. EXCUSE OF ABSENCE.**

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

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

NO: None. ABSENT: Commissioner Cadwallader. MOTION CARRIED.

**3. APPROVAL OF AGENDA.**

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

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

NO: None. ABSENT: Commissioner Cadwallader. MOTION CARRIED.

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

IT WAS MOVED BY ELLIS and seconded by CHAMBERS to approve minutes of the January 10, 2022 Regular Meeting as written.

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

NO: None. ABSENT: Commissioner Cadwallader. MOTION CARRIED.

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

There were no comments.

6. **OLD BUSINESS.**

a.) **Proposed Adult Use Marihuana Zoning Amendment.**

Andy Moore with Williams & Works reviewed his memo stating including with this memorandum is a proposed zoning ordinance amendment that would amend Section 17.03 (FF) of the City's Zoning Ordinance related to adult use marihuana establishments. If adopted, the proposed amendment would prohibit the establishment of any adult use marihuana establishments on property located east of the Flat River. The impetus behind this change is the closure of a child care facility at the Lowell United Methodist Church, when in operation, the 1,000' isolation radius required for day care facilities served to prohibit adult use marihuana establishments on two of the three commercial properties located on East Main Street, east of downtown. If Commissioners decide to move forward, there will be a public hearing in March, before going to City Council.

It was a general consensus to put on the March 14, 2022 Planning Commission Meeting agenda, a public hearing for the Proposed Adult Use Marihuana Zoning Amendment.

7. **NEW BUSINESS**

a.) **Pubic Hearing – Proposed Rezoning of 115 Riverside Drive from PF Public Facilities to C2 Central Business.**

Chair Barker opened the Public Hearing.

Moore reviewed his memo stating the City of Lowell has applied to rezone property located at 115 Riverside Drive from the PF, Public Facilities to the C-2 Central Business District. The subject property has an area of 4,041 square feet (.09 acres) and is located on the northeast side of Riverside Drive, abutting the Flat River. Until recently, the land and building were owned by Lowell Light & Power but was recently sold to a private party that desires to use the building and property for a mixed use building. Since the PF district only allows for public and quasi-public uses and is generally intended for City-owned properties, the City decided to initiate a rezoning of the property to allow for the development and use of the property by the new owners.

Moore then reviewed the zoning review criteria.

Moore and the Commissioners found that the zoning review criteria is met.

There were no public comments.

Chair Barker closed the Public Hearing.

IT WAS MOVED BY BARKER and seconded by ELLIS that the Planning Commission recommend approval of the request to the City Council that 115 Riverside Drive be rezoned from PF, Public Facilities to the C-2 Central Business

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

NO: None.

ABSENT: Commissioner Cadwallader.

MOTION CARRIED.

8. **STAFF REPORT.**

There was no report.

9. **COMMISSIONERS REMARKS.**

Commissioner Ellis asked if Council has talked to EGLE about cleaning up the River.

Commissioner Chambers suggested Ellis come to the City Council meeting and ask the question about EGLE and cleaning up the River.

Chair Barker thanked Mike Gadula, for getting the Planning Commission recap of what has taken place the past year ready to present at the City Council meeting next week.

10. **ADJOURNMENT.**

IT WAS MOVED BY CHAMBERS and seconded by PLANK to adjourn at 7:41 p.m.

DATE:

APPROVED:

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Bruce Barker, Chair

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Susan Ullery, Lowell City Clerk

# williams&works

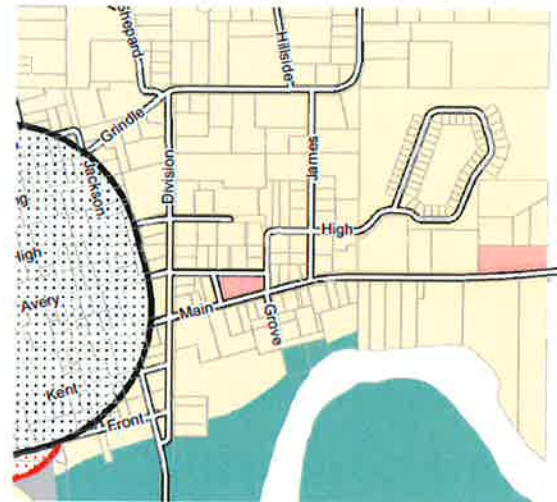
engineers | surveyors | planners

## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** April 6, 2022  
**From:** Andy Moore, AICP  
**RE:** Proposed adult use marihuana zoning amendment

Included with this memorandum is a proposed zoning ordinance amendment that would amend Section 17.03(FF) of the City's Zoning Ordinance related to adult use marihuana establishments. If adopted, the proposed amendment would prohibit the establishment of any adult use marihuana establishment on property located east of the Flat River. This is the exact same amendment that was proposed last year, which was not acted upon by the City Council

As you know, the impetus behind the proposed amendment last year was the closure of a child care facility at the Lowell United Methodist Church. When this facility was in operation, the 1,000' isolation radius required for day care facilities served to prohibit adult use marihuana establishments on two of the three commercial properties located on East Main Street, east of downtown. The closure of the day care means that these parcels would be eligible for adult use marihuana establishments.



The City Council did not act on this proposed amendment in 2021, and in late 2021 applicant had proposed a marihuana facility at 805 and 825 East Main Street, which was rejected by the Planning Commission. Given that these commercially zoned parcels are completely surrounded by single-family residential homes, it is the opinion of staff (and seemingly of the Planning Commission) that these areas would not be suitable locations for adult use marihuana facilities.

A public hearing has been scheduled for the April 11 Planning Commission meeting, and after the public hearing, the Planning Commission may recommend approval of the proposed amendment to the City Council.

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

c: Jessica Wood, City Attorney

CITY OF LOWELL  
KENT COUNTY, MICHIGAN

ORDINANCE NO.

**AN ORDINANCE TO AMEND SECTION 17.04(FE), "ADULT USE MARIHUANA ESTABLISHMENTS" OF APPENDIX A, "ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF LOWELL**

Councilmember \_\_\_\_\_, supported by Councilmember \_\_\_\_\_,  
moved the adoption of the following ordinance:

**THE CITY OF LOWELL ORDAINS:**

**Section 1. Amendment of Section 17.04(FE)(5)(b).** Section 17.04(FE)(5)(b) of Appendix A, "Zoning," of the Code of Ordinances of the City of Lowell is amended to include a new subsection iv, which reads as follows:

- iv. any property located east of the Flat River

**Section 2. Publication.** After its adoption, the City Clerk shall publish this ordinance or a summary thereof, as permitted by law, along with its date of adoption in the *Lowell Ledger*, a newspaper of general circulation in the City, at least ten (10) days before its effective date.

**Section 3. Effective Date.** This ordinance shall take effect ten (10) days after it, or a summary thereof, as permitted by law, along with the date of its adoption, is published in the *Lowell Ledger*, a newspaper of general circulation in the City.

YEAS: Councilmembers \_\_\_\_\_

NAYS: Councilmembers \_\_\_\_\_

ABSTAIN: Councilmembers \_\_\_\_\_

ABSENT: Councilmembers \_\_\_\_\_

**ORDINANCE DECLARED ADOPTED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Susan Ullery  
City Clerk

**CERTIFICATION**

I, the undersigned City Clerk of the City of Lowell, Michigan (the "City"), certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held on \_\_\_\_\_, 2022, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents and its effective date, was published in the *Lowell Ledger*, on \_\_\_\_\_, 2022. I further certify that the above ordinance was entered into the Ordinance Book of the City on \_\_\_\_\_, 2022, and was effective \_\_\_\_\_, 2019, ten (10) days after publication.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Susan Ullery  
City Clerk

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

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



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

### APPLICATION FOR SITE PLAN REVIEW / SPECIAL LAND USE

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

1. Street Address and/or Location of Request: 2014 Bowes St SE

2. Parcel Identification Number (Tax I.D. No.): #41-20- 10-100-'004', '005', '014', '015'

3. Applicant's Name: Grand Rapids Gravel Phone Number (616)538-9000 Ext. 114

Address: 2700 28th St SW Wyoming MI 49519  
Street City State Zip

Fax Number \_\_\_\_\_ Email Address JDykema@Grgravel.com

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

5. Applicant is being represented by: James Dykema Phone Number (616)538-9000 Ext. 114

Address: \_\_\_\_\_

6. Present Zoning of Parcel Industrial Present Use of Parcel Nothing / Residential

7. Description of proposed development (attach additional materials if needed):  
A narrative is attached with description of proposed activity.

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

Signature: James A Dykema Date: 03/03/2022

Type or Print Your Name Here: James Dykema

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 \_\_\_\_\_



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;

We will have a berm for dust / noise control and to block view of public. Future land use will be a wonderful development with a lake and residential for the area.

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- 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;

We will work with all necessary public facilities to have access to the site.

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- 3. Not create excessive additional requirements at public cost for public facilities and services; and There is no extra cost for the public for this project.
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- 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.

We have completed many different mining operations and have turned them into wonderful developments. We abide by the EGLE standards for noise / dust / etc. and have had no issues.

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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:

Please see attached document.

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# memo

## **Grand Rapids Gravel**

To: City of Lowell  
From: James Dykema  
CC: Jim Dykema; Mike Berg  
Date: March 3, 2022  
Re: Grand Rapids Gravel proposal to mine and process material off Bowes Road in the city of Lowell

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### **Introduction:**

Grand Rapids Gravel (GRG) currently owns roughly 65 acres of land on the south side of Bowes Rd on four separate parcels:

1. P.P. No. 41-20-10-100-015
2. P.P. No. 41-20-10-100-014
3. P.P. No. 41-20-10-100-004
4. P.P. No. 41-20-10-100-005

All four parcels are currently zoned as I, General Industrial and GRG is requesting a Special Land Use under section 17.04 of the Zoning Ordinance in order to complete the mining operation of the project.

### **Project Overview:**

The following details are to give an overview of the process GRG envisions occurring after all permits and approvals are obtained. This section can be modified and updated as needed if the City has any concerns over the operation.

- Residents occupying the duplex dwelling at 1600 Bowes Rd have requested to stay throughout the mining process. Grand Rapids Gravel is requesting this to be okay with the city, and berms will be constructed around the duplex in the first years of mining. A semi-permanent office trailer will be brought to the site to serve as a scale house.
- Site excavation will occur in order to prep the site for the processing equipment.

- Site excavation will include but not be limited to creating a berm along Bowes Rd. and other dust/noise control measures.
- 10 years of removing and processing material will take place onsite.
  - This will result in roughly a 22.5-acre lake.
- After the completion of mining and removal of all finished materials, we will request to rezone the property from industrial to residential and create a housing development on the lake. The type of dwellings will be market dependent at said time.
- Trucks will exit to via Bowes Rd to Fulton Street.

**Conclusion:**

GRG is currently making sure we submit all necessary documents to satisfy the Special Use Zoning Ordinance for the City of Lowell. We envision a 10-year mining project with a housing development to follow shortly after. GRG has done this process at multiple locations in the Greater Grand Rapids area that have resulting in beautiful developments. We are looking forward to creating one of these finished projects in the City of Lowell through this process.

Please feel free to reach out with any questions

---

James Dykema  
Grand Rapids Gravel

2700 – 28TH STREET SW • WYOMING, MI 49519 • PHONE (616)538-9000 • FAX (616)538-8897

P.O. BOX 9160 • GRAND RAPIDS, MI 49509-0160

## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** April 6, 2022  
**From:** Andy Moore, AICP  
**RE:** Grand Rapids Gravel – Special Land Use Re-application

Grand Rapids Gravel, represented by James Dykema, has submitted an application for site plan review and special land use approval to operate a gravel mine at 2014 Bowes Road SE (PPNs 41-20-10-100-004, 41-20-10-100-005, 41-20-10-100-014, and 41-20-10-100-015). The purpose of this memorandum is to review the request pursuant to Chapter 17 of the City of Lowell Zoning Ordinance.



This application was reviewed and approved by the Planning Commission in December 2020. However, no construction or other on-site activities had taken place on the property to exercise that permit, and no extension for the special land use was sought by the applicant. Thus, the 2020 permit is considered null and void and the applicant must now re-apply to proceed with the project.

### Background

The subject property is comprised of four parcels, totaling approximately 63.7 acres in the Industrial and the River's Edge districts. A portion of the property is also within the Floodplain Overlay District. The site is primarily open space; however, two houses and accessory structures are present on the smaller parcels. The applicant intends to abandon these houses, although a few structures may remain to function as an office/garage for the mining operation. The applicant expects that the mining operation will occur for 10 years, resulting in a 22.5-acre lake around which the applicant desires to create a residential development. A volume of 322,000 cubic yards is expected to be removed from the site.

The Industrial District is also located to the north across Bowes Road and the PF Public Facilities district is adjacent to the east. The western property boundary is adjacent to the AG-2 Rural Agricultural district in Lowell Township, which contains a Township park. The southern

property boundary is adjacent to the Grand River and the Grand River Riverfront Park is also located across the river in Lowell Township.

The "removal and processing of topsoil, stone, rock, sand, gravel, lime, or other soil or mineral resources" is only permitted by special land use in the Industrial and River's Edge districts.

**Submitted Materials.** The applicant has submitted the same site plan documents for review as was submitted in 2020 and approved by the Planning Commission. Because conditions on the site have not changed and because the site plan has not changed, the Planning Commission can review our staff report from 2020 and use that as the basis for its findings. An updated "findings of fact" document that incorporates the same conditions of approval is also attached. Essentially, Planning Commission approval of this application would serve as an extension of the December 2020 approval, and similar conditions of approval are recommended. A public hearing has been scheduled for April 11, 2022.

**Recreational Trail Location.** The site plan includes a 20 foot easement for the planned LARA trail extension on the south side of the mining area, the location selected by the applicant. It is possible that this location will not be acceptable to EGLE or to the MDOT grant program as it directly borders regulated wetlands and is located within the floodway of the Grand River. If this is the case, the trail may need to be relocated to an acceptable location, including portions outside of this property. While this need not stop this project from moving forward, it is important that the City have a commitment from the applicant to work towards a possible solution, if one can be agreed upon.

**Recommendation.** At the April 11 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, we recommend the Planning Commission approve the special land use and site plan. A statement of findings of fact and conditions of approval is attached for your review.

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

c: Sue Ullery, City Clerk

**Grand Rapids Gravel**  
**Proposed mineral extraction (mining) operation**  
**2104 Bowes Road SE (PPNs 41-20-10-100-004, 41-20-10-100-005, 41-20-10-100-014, and**  
**41-20-10-100-015**

**Decision and Conditions of Approval**

**April 11, 2022**

**Background**

Grand Rapids Gravel, represented by James Dykema and Mike Berg, submitted an application for site plan review and special land use approval to operate a gravel mine at 2104 Bowes Road SE (PPNs 41-20-10-100-004, 41-20-10-100-005, 41-20-10-100-014, and 41-20-10-100-015). The subject property is comprised of four parcels, totaling approximately 63.7 acres in the Industrial and the River's Edge districts. A portion of the property is also within the Floodplain Overlay district. The site is primarily open space; however, two houses and accessory structures are present on the smaller parcels. The applicant intends to abandon these houses, although a few structures may remain to function as an office/garage for the mining operation. The applicant expects that the mining operation will occur for 10 years, resulting in a 22.5-acre lake around which the applicant desires to create a residential development. A volume of 322,000 cubic yards is expected to be removed from the site.

The Industrial district is also located to the north across Bowes Road and the PF Public Facilities district is adjacent to the east. The western property boundary is adjacent to the AG-2 Rural Agricultural district in Lowell Township, which contains a Township park. The southern property boundary is adjacent to the Grand River and the Grand River Riverfront Park is also located across the river in Lowell Township.

The "removal and processing of topsoil, stone, rock, sand, gravel, lime, or other soil or mineral resources" is only permitted by special land use in the Industrial and River's Edge districts.

The Planning Commission thoroughly considered the proposal in a public hearing following proper public notice on October 12, 2020, and at regular Planning Commission meetings on November 9, 2020, and December 14, 2020. The Planning Commission approved the site plan and special land use on December 14, 2020. However, no activity took place on the site and the applicant did not request an extension prior the one-year deadline specified in Section 17.02(J) of the Zoning Ordinance. Thus, the application was considered null and void. The applicant re-submitted the application for consideration and re-approval at the April 11, 2022 Planning Commission meeting. The applicant made no changes to the proposed site plan between December 2020 and March 2022.

The following documents support these findings of fact and the decision of the Planning Commission:

1. Special Land Use Application dated September 4, 2020 and March 3, 2022
2. Lakeshore Environmental Hydrogeological Certification dated July 1, 2020

3. Intent to establish easement for non-motorized trail and related documents submitted in October 2020 by Williams & Works
4. Application narrative and review of site design standards dated September 1, 2020
5. Memo from Grand Rapids Gravel Company that includes an introduction and project overview dated March 3, 2022.
6. Mining Site Plan, Aerial Photo, and End Use Plan last revised November 4, 2020
7. Williams & Works staff report dated October 9, 2020 and April 6, 2022
8. Black Canyon Process Equipment "Safety Data Sheet" received 11/9/20
9. "Method of Mining" narrative (undated) received 11/9/20
10. Verbal testimony provided by the applicant and the City's planning and engineering consultants (Williams & Works) at Planning Commission meetings held on October 12, 2020, November 9, 2020, and December 14, 2020, and April 11, 2022.

### **Findings**

The approval process for a special land use requires attention to the specific provisions contained in the City's Zoning Ordinance applicable to such operations. The Planning Commission adopts the findings as outlined in the Williams & Works memorandum dated October 9, 2020 as its findings related to this application, and further finds that the zoning ordinance requirements have been satisfied.

The City further finds the following facts with respect to applicable provisions of the Michigan Zoning Enabling Act (MCL 125.3205):

- i. There are valuable natural resources on the property.
- ii. There is a need for those valuable natural resources by the applicant or in the market served by the applicant.
- iii. The applicant has provided sufficient documentation that no very serious consequences would result from mining. This finding of no very serious consequences was made after considering the following factors:
  - a. The relationship of extraction and associated activities with existing land uses.
  - b. The impact on existing land uses in the vicinity of the property.
  - c. The impact on existing property values in the vicinity of the property and along the proposed haul routes, based on credible evidence.
  - d. The impact on pedestrian and traffic safety in the vicinity and along the proposed haul routes.
  - e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
  - f. The overall public interest in the extraction of the specific natural resources on the property.

## Conditions of Approval

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

1. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
2. The applicant shall continually comply with applicable ordinances, codes, and requirements of the City of Lowell.
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 comply with any stipulations from the City Engineer, Lowell Area Fire Department, or other City officials.
5. The applicant shall receive approval and comply with any stipulations from the Lowell Area Fire Department regarding emergency vehicle access.
6. The applicant shall receive a driveway permit from the City of Lowell.
7. All structures and buildings shall comply with the setback requirements of the Industrial and River's Edge districts. No machinery shall be erected or maintained within 50 feet of any property or street right-of-way. Further, no cut or excavation shall be made closer than 50 feet to any street right-of-way line or property line.
8. All necessary development permits shall have been issued by appropriate local, state, and federal authorities, including a floodplain permit, approval, 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 development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance may be acceptable.
9. Dust shall be controlled on the subject property through the use of water, dust palliative, and the ongoing maintenance of the paved access drive. Dust control shall comply with the air quality requirements of the Michigan Department of Environment, Great Lakes, and Energy (EGLE) or subsequent department. Any debris tracked on Bowes Road from the site shall be removed as soon as practicable.
10. The applicant shall maintain existing trees along the property boundaries to function as a buffer between uses.
11. Hours of operation (including loading) shall be between 7:00 AM and 5:00 PM Monday through Friday (excluding federal holidays) and 7:00 AM and 2:00 on Saturdays (excluding federal holidays). The mine shall not operate outside of these hours, or on Sundays or federal holidays.
12. The applicant shall designate an area for fuel and lubricant storage on the site plan and submit measures for safety and preventative for final Zoning Enforcement Officer approval.



13. Fencing shall be located along property boundaries as shown on the November 4, 2020 site plan and be at least six feet in height. Fencing shall be placed no closer than 50 feet to the top or bottom of any slope.
  14. The applicant shall cooperate with the city in its efforts to obtain a permit to construct the trail in approximately the currently defined 20 foot wide easement illustrated on the plans. Should the current location not be permissible, the applicant shall cooperate with the city to modify the alignment to a mutually agreed upon location as needed in order to obtain the permit.
- OR
15. The applicant shall cooperate with the city in its efforts to obtain a permit to construct the trail in approximately the currently defined 20 foot wide easement illustrated on the plans, and will grant the illustrated easement if a permit is issued. Should the current location not be permissible, the applicant shall work with the city to try and find a reasonable substitute route that may cross elsewhere on the property. If a new route can be mutually agreed to, the applicant would grant said route as an easement.
  16. The applicant shall place appropriate "Keep Out / Danger" signs around the premises, not more than 150 feet apart.
  17. Stockpile height shall not exceed 45 feet.
  18. The proposed berm shall be between 5 and 7 feet tall. Slopes of the berm shall not exceed 1:3.
  19. Natural screening in the form of rolling topography, vegetation, and tree lines shall be preserved as much as possible to maintain the general character of the City, public rights-of-way, and neighboring properties.
  20. Noise on the site shall not exceed sixty (60) decibels at any property line.
  21. The applicant shall submit a written annual report to the Planning Commission, which shall include a summary of progress on the site, the amount of material removed, any complaints received and their resolution, any updates to the project schedule, and other items deemed necessary by the planning commission.
  22. The applicant shall submit a performance bond in the form of a letter of credit, a certified check, a cash bond, or an insurance policy with the City of Lowell named as an insured party in the amount of \$120,000. The bond shall be released when all conditions stipulated in the Special Land Use permit have been met and the mining and restoration activities (excluding future residential development as illustrated on the end use plan) are complete. The guarantee shall be reviewed annually and adjusted accordingly based on market conditions at the time and the amount of mining remaining to be completed.
  23. The applicant shall deposit with the City Treasurer the sum of \$5,000 to serve as a monitoring/enforcement escrow account. This sum will be kept by the City in a separate, interest-bearing account. All expenses incurred by the City of Lowell in the monitoring the subject gravel/sand extraction operation and enforcing the provisions of this special

land use permit and the City of Lowell Zoning Ordinance with respect to the same (including legal and administrative expenses) may be paid by the City from the monies in this account. If the balance in this escrow account falls below  $\frac{1}{2}$  the above amount, the City Clerk shall notify the applicant of this fact and the applicant shall within 14 days of the date of the notice, deposit the sum necessary to restore the escrow account to its original balance. If at the conclusion of reclamation of the subject property there remains any money in the escrow account, it shall be returned to the applicant.

DRAFT

<b>2022</b>				
<b>Open Date</b>	<b>Close Date</b>	<b>Address</b>	<b>Name/Business</b>	<b>Subject</b>
01/19/2022	01/19/2022	204 W. Main	Richard Craig	Remodel
04/06/2022	04/06/2022	825 Hunt Street	Angela Ingram	Re-roof