

Village of Oxford Planning Commission Agenda
Council Chamber- 22 W. Burdick St., Oxford MI, 48371
Tuesday, October 19, 2021, 7:00 P.M.

Public input will be allowed during Item 9, Public Comment. Public may voluntarily state their name and address for the record. In adherence to the Open Meetings Act, this time is for commissioners to hear comments from the public and not to engage in discussion with the public. Each person will be allowed an opportunity to speak for no more than 3 minutes. All comments will be addressed to the Chairman.

1. Call to Order by Chairman Justin Ballard at 7:00pm
2. Respects to the Flag
3. Roll Call: Maureen Helmuth, Leslie Pielack, Michelle McClellan, Jon Nold, Kelly Arkles, Scott Flynn, Justin Ballard.
4. Approval of Agenda: October 19, 2021
5. Approval of Minutes: September 7, 2021
6. Correspondence: None
7. New Business:
 - a. **PC 21-07, Marijuana Site Plan 21-01, PID #: PO-04-26-327-008, 595 S. Glaspie, LUME Cannabis Co.**
8. Old Business: None.
9. Public Comment:
10. Consultant & Administration Comments:
11. Commissioner Comments:
 - Oxford Township Planning Commission Update
 - ZBA Update
 - DDA Update
12. Adjournment:

Posted October 12, 2021, 3:00 p.m.

VILLAGE OF OXFORD
PLANNING COMMISSION
September 7, 2021, 7:00 p.m.
REGULAR MEETING MINUTES
Meeting Location ▪ 22 W Burdick Street, Oxford, MI ▪ Tel: (248) 628-2543
www.thevillageofoxford.org

1. CALL TO ORDER

Chairman Justin Ballard called the meeting to order at 7:00 p.m.

2. RESPECTS TO THE FLAG

3. ROLL CALL: Members Present-Ballard, Arkles, Nold, Pielack, Helmuth, McClellan, Flynn. Staff Present: Recording Secretary Tere Onica, McKenna Planner Mario Ortega.

4. APPROVAL OF AGENDA: Meeting Agenda September 7, 2021.

MOTION: by Helmuth/Nold to approve the September 7, 2021, agenda as presented.
All present voting in favor. Motion carried.

5. APPROVAL OF MEETING MINUTES: August 3, 2021, Regular Meeting Minutes.

MOTION: by McClellan/Arkles to approve the Village of Oxford August 3, 2021, regular planning commission meeting minutes as presented. All in favor. Motion carried.

6. CORRESPONDENCE: None.

7. PUBLIC HEARING:

MOTION: by Helmuth/Nold to open the Public Hearing at 7:02 p.m. All in favor. Motion carried.

Zoning Ordinance Section 3.4.1 - Residential Construction standards consideration of R-1 zoning building height.

Public Comments: None.

MOTION: by Arkles/Helmuth to close the Public Hearing at 7:03 p.m. All in favor. Motion carried.

8. NEW BUSINESS: None.

9. OLD BUSINESS:

- a. **Zoning Ordinance Section 3.4.1 - Residential Construction standards consideration of R-1 zoning building height.** Discussion on height, definitions, number of stories, bonus rooms and walk out basements.

MOTION: by Nold/Helmuth to recommend village council amend the zoning ordinance Section 3.4.1 Regulation Standards, Building Heights-Principal Structure in the R-1 zoning district to increase the height of the principal structure from 25ft. to 30 ft. All in favor.
Motion carried.

10. PUBLIC COMMENT: None.

48
49 **11. Consultant & Administration Comments:** Several applications received for Recreational
50 Marijuana retail business. One business applied for a dual license for a retail and processing.
51 All are under the review process with village planner and engineer. Site-Plans will be
52 scheduled for agenda when all of the required information has been completed and
53 reviewed. Commissioners asked for ample review time before meeting.
54

55 **12. Commissioner Comments:**
56 Oxford Township Planning Commission No update at this time.
57 ZBA Update-no meeting.
58 DDA Update- nothing to report.
59

60 **13. ADJOURNMENT:**
61 **MOTION:** by Helmuth/Nold to adjourn at 8:24 p.m. All in favor. Motion carried.
62

63
64 Respectfully submitted,
65 Tere Onica, Recording Secretary

VILLAGE OF OXFORD
Planning Commission
22 West Burdick, P.O. Box 9
Oxford, MI 48371-0094
248-628-2543



A site plan submitted for review and approval shall contain all of the following data prior to its submission. Site plans shall consist of an overall plan for the entire development. All plans must be legible and sufficient quality to provide for reproduction.

Article 9, Chapter 1 of the Zoning Ordinance, has been provided in order to ensure that all site plan information and requirements have been provided by the applicant for Planning Commission review. Missing information could result in a delay in plans being reviewed by the Planning Commission until all required information has been provided.

Applicant must provide **15 copies** of the site plan, application, fees, and all relative documents at least twenty-five (25) days prior to the next regularly scheduled meeting of the Planning Commission.

DATE 08/02/2021 PROJECT ADDRESS 595 S. Glaspie St, Oxford, MI 48371

APPLICANT INFORMATION

Name: Attitude Wellness d/b/a Lume Cannabis Co.

Address:
769 Chicago Rd.

City: Troy

State:
MI

Zip: 48083

Phone: Cell: (248) 877-2336

Email: John.Abbo@Lume.com

PROPERTY OWNER INFORMATION

Name: M.L Davis Properties / Michael Davis

Address:
22 Coryell Dr.

City: Oxford

State:
MI

Zip: 48371

Phone: 248.459.1514

Cell:

Email:

If applicant is not the owner, describe applicant's interest in the property. (Proof of ownership OR affidavit is required.)

PROPERTY DESCRIPTION			
Description of Proposed Project: Renovation of existing Laundry facility into marijuana retail Retail facility. Change of use from (B) Business to (M) Mercantile			
Zoning Classification:	<input type="checkbox"/> R-1 Single Family	<input type="checkbox"/> C-1 Central Business – Core	
	<input type="checkbox"/> RM Multiple Family	<input type="checkbox"/> C-1 Central Business - Transition	
	<input checked="" type="checkbox"/> I-1 Industrial	<input type="checkbox"/> C-2 General Business	
		<input type="checkbox"/> P-1 Vehicular Parking	
Present Use: Business		Proposed Use: Mercantile	
Front Yard Setback	50 feet	Building Height	18 feet
Side Yard Setback	25, 55 feet	Lot Coverage (%)	6.4%
Rear Yard Setback	350 feet	Total Floor Area	3,815 s.f.
Lot Size	60,000 s.f.	Off Street Parking	20 Cars

PROFESSIONALS WHO PREPARED DRAWINGS			
Name: Enright Architects			
Mailing Address: 628 E. Parent Ave.			
City: Royal Oak		State: MI	Zip: 48101
Telephone: 248.330.9395		Email: cenright@enrightarchitects.com	
Design Responsibility: Architects			
Name: PEA Group			
Mailing Address: 7927 Nemco Way			
City: Brighton		State: MI	Zip: 48116
Telephone: 517.546.8583		Email: speruski@peagroup.com	
Design Responsibility: Civil Engineers			

- ☐ Oakland County Road Commission
☐ Oakland County Health Department
☐ Michigan Department of Natural Resources
☐ Michigan Department of Environmental Quality
☐ Oakland County Drain Commissioner

Failure to provide true and accurate information on this application shall provide sufficient grounds to deny approval of a site plan application or to revoke any permits granted subsequent to site plan approval.

All information contained herein is true and accurate to the best of my knowledge. I acknowledge that the Planning Commission will not review my application unless all information required in this application and the Zoning Ordinance have been submitted. I further acknowledge that the Village of Oxford and its employees or agents shall not be held liable for any claims that may arise as a result of acceptance, processing, or approval of this site plan application.

8-2-21
Date

8-2-21
Date

Updated 02.11.18

PROPERTY OWNER CONSENT

The undersigned, **Michael Davis on behalf of M.L Davis Properties LLC** (the "Current Property Owner") has entered into an agreement to sell the real property located at 595 S. Glapsie St Oxford MI 48371 (the "Property"). The Current Property Owner does hereby authorize the use of the Property for the purpose of operating a Marihuana Establishment pursuant to the Michigan Regulation and Taxation of Marihuana Act and consents to **Attitude Wellness LLC** (the "Applicant") operating a Marihuana Establishment on the Property subject to approval by the Village of Oxford and Michigan Marijuana Regulatory Agency.

Date: July , 2021

August 2, 2021

Current Property Owner:

By: *Michael Lee Davis*
MICHAEL DAVIS
M.L DAVIS PROPERTIES LLC

Subscribed and sworn to before me

on 2nd day of ~~July~~, 2021
August

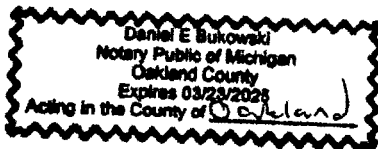
Daniel E. Bukowski

Daniel E. Bukowski, Notary Public

Oakland County, MI

Acting in Oakland County, MI

My Commission expires:



CHRISTOPHER ENRIGHT ARCHITECTS

A PROFESSIONAL CORPORATION

Joseph M. Madore
Village Manager
Village of Oxford, MI
22 W. Burdick Street
Oxford, MI 48371

August 02, 2021

RE: Lume Provisional Center
595 S. Glaspie Street
Oxford, MI 48371

Dear Mr. Madore,

Attitude Wellness, Doing Business as Lume Cannabis, is pleased to make application for Site Plan Approval for their newest Provisional Center to be located at 595 S. Glaspie Street in Oxford.

Lume is the largest adult-use cannabis company in Michigan with over 800 employees and 21 operating retail locations, with 9 more locations either under construction or approved for construction.

The Oxford location anticipates renovating the existing 3,815 square foot, single story building currently operating as a laundry, into an adult-use marijuana retail facility. We anticipate replacing all exterior materials per the proposed drawings and upgrading the aesthetics of the property. The interior of the existing building will be gutted and reconstructed to meet all current codes and meet Lume's interior standards.

We anticipate repurposing the exterior site and do not propose expansion of the impervious surfacing. We will meet all Village landscape and exterior lighting standards. It is anticipated that no variances of any kind will be required.

We look forward to opening our store in the Village of Oxford!

Sincerely,



Christopher Enright, NCARB



ROWE PROFESSIONAL SERVICES COMPANY

Large Firm Resources. Personal Attention.sm

September 14, 2021

Mr. Joseph M. Madore, Manager
Village of Oxford
22 West Burdick Street
Oxford, MI 48371

RE: Engineering Site Plan Review for 595 S. Glaspie St., Oxford, MI

Dear Mr. Madore:

At your request, ROWE Professional Services Company has completed a second site plan review for the address listed above. The plans were prepared by PEA Group (Engineers) and Christopher Enright Architects and consist of eleven plan sheets that are dated August 31, 2021. Our comments below are focused on the five site plan sheets that were included in the set.

The site plan sheets were sealed by either a professional surveyor, engineer, or architect.

The applicant is proposing to renovate an existing 3,815 square foot commercial building and parking lot on the site, making minimal changes to the existing configuration. The existing storm sewer system and on-site storm water detention basin is also proposed to remain as is. We offer the following comments for your consideration:

SHEET C-1.0:

1. The plan has been revised to include the survey information that is now available. The information provided is helpful. Clarification has also been provided relative to the origin of the existing storm design, as well as confirmation that there is sufficient on-site storm runoff storage capacity. A proposed 2.25-inch pipe restriction has been added to the plan at the outlet to the site. Since it is difficult to construct and maintain an outlet pipe of this size, it is recommended that a 4-inch pipe restriction be installed instead.
2. A designated loading zone has been provided on the site plan at the northwest corner of the building. It is noted that there is no entrance to the building proposed in this area, and that the closest door to this area (on the north side of the building) appears to be a proposed emergency exit given that no concrete walkways are proposed in this area. The village may wish to consider reviewing with the applicant if the loading zone will actually be used as proposed, or if in fact loading will occur through the front entrance. *The plans have not been revised relative to this comment.*
3. The Village Zoning Ordinance requires the installation of a new public sidewalk across the frontage of this property. It appears that this requirement may have been waived when the site was last developed. The Village may wish to consider waiving the requirement again, given the general nature of the other developed sites on this section of S. Glaspie Street.

Engineering | Surveying | Aerial Photography/Mapping | Landscape Architecture | Planning

Lapeer: 128 N. Saginaw Street • Lapeer, MI 48446 • O (810) 664-9411 • F (810) 664-3451

With Offices In: Flint, MI (Corporate) • Farmington Hills, MI • Grayling, MI • Kentwood, MI • Mt. Pleasant, MI • Myrtle Beach, SC

www.rowepsc.com

SHEET SL-1.0:

1. The photometric plan indicates the proposal is to install two building mounted lights on the south face of the building, and one pole mounted light near the southwest corner of the building, to light the center of the parking lot. The design results in adequate lighting on the majority of the site. However, the entrance driveway, trash dumpster area, and loading zone appear insufficient with proposed light levels below 0.3 footcandles. (No existing streetlights assist with lighting in the right-of-way as well.) The village may wish to review with the applicant how much traffic, particularly from the public, is anticipated after sundown, and if the proposed lighting will be adequate. *The plans have not been revised relative to this comment.*

ROWE's plan review is for conformance with the Village's submittal requirements and standard engineering practices for the Village's use in its determination of whether to approve the plans. The developer and designer shall be responsible for the accuracy and validity of the information presented on the plan. Regulatory and other governmental agencies with jurisdiction may have additional comments or requirements. Further review of the proposed design will be necessary as the applicant addresses the comments noted.

The developer and designer remain responsible for the design, construction, and any resulting impacts of the project.

If you have any questions regarding this review, please contact me directly at (248) 318-1492.

Sincerely,
ROWE Professional Services Company

Paul T. O'Meara

Digitally signed by Paul T. O'Meara
DN: C=US, E=pomeara@rowepsc.com,
O=ROWE, OU=Design Services,
CN=Paul T. O'Meara
Date: 2021.09.15 06:54:40-04'00'

Paul T. O'Meara, PE
Project Manager

CC: Mario Ortega – McKenna



MCKENNA

October 11, 2021

Mr. Joseph Madore
Village Manager
Village of Oxford
22 W. Burdick Street
Oxford, MI 48317

Subject: **Lume Provisioning Center – Site Plan Review #2** (*Site Plan Dated September 27, 2021 and received October 6, 2021*)

Location: **595 S Glaspie Street – Parcel ID# 04-26-327-008** (*West side of Glaspie Street, north of the intersection with Oxford Lake Drive*)

Zoning: **I-1, Industrial**

Dear Mr. Madore:

At the Village's request, we have reviewed the above referenced revised site plan for the establishment of an adult use marijuana retailer at the above referenced location. The applicant is Attitude Wellness, LLC and the property owner is M.L. Davis Properties.

SITE LOCATION AND EXISTING CONDITIONS

The site is located in the Glaspie Street industrial park and is zoned I-1, Industrial. The site is 60,000 square feet (SF) or 1.38 acres in area. It is occupied by a single-story building totaling 4,000 SF in area along with associated parking. The site shares an access drive to S Glaspie Street with the property to the south, 625 S Glaspie Street. The shared access continues into the site as there is no raised curb or other physical separation between the properties. A storm water detention pond is located to the rear or west end of the site. The photo to the right provides context.

PROPOSED USE

The applicant is proposing to establish an adult use marijuana retailer on the site.



DETROIT
1938 Franklin Street
Suite 203
Detroit, Michigan 48207

○ 313.888.9882
F 248.596.0930
MCKA.COM

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ADULT USE MARIJUANA FACILITY ORDINANCE COMMENTS

Section 4.1.29 of the zoning ordinance outlines the standards applicable to adult use marijuana facilities. We provide the following comments regarding the applicable standards.

1. **Location.** Section 4.1.29(C) requires adult use marijuana facilities to be located in the I-1 Industrial district and at least 500 feet from the nearest lot line of any child care center, day care facility, school or like facility. The site for the proposed use is in compliance with this requirement.
2. **Hours of Operation.** Adult use marijuana retailers may only be open from 9:00 a.m. to 9:00 p.m. Within the applicant's submitted Business and Operations Plan they have indicated the retailer will operate from 10:00 a.m. to 9:00 p.m. The applicant is in compliance with this standard.
3. **Odor Control Plan.** Section 4.1.29(D)(2) requires all marijuana facilities to be equipped with a mechanical system that at all times effectively confines any odor to the interior of the building. Sheet SK-6 includes a schematic of the HVAC system along with a cut sheet detail for the proposed carbon filter. The American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) has developed a test method to determine a filter's ability to capture airborne particles. In commercial facilities, the minimum efficiency reporting value (MERV) rating of 14 or greater captures more than 90% of particulates as small as 1.0 microns. This is effective for all microscopic particles like pollen, mold, spores and dust. The applicant's odor control plan proposes utilizing an oxidation chamber, a carbon filter and a filter with a MERV rating of 14 or higher. These specifications would appear to be an effective means of odor control.

The applicant has not provided a detailed mechanical system plan as this is not usually required until the building permit application phase of a project. The Planning Commission may consider granting site plan approval contingent upon approval of a mechanical plan by a licensed inspector during the building permit process.

4. **Waste Water Control Plan.** Section 4.1.29(D)(3) requires all marijuana facilities to be designed and operated to minimize the amount of pesticides, fertilizers, nutrients and marijuana that is discharged into the public waste water and stormwater systems. The retail facility does not use pesticides, fertilizers or nutrients as part of its operation. The Disposal Plan within the application submittal states that any marijuana-related waste will be rendered to an unusable and unrecognizable form by being ground into a fine powder and then mixed with a biodegradable product, usually kitty litter, before being collected by a waste disposal company. This is the practice authorized by the State. The proposed waste control plan is in compliance with ordinance standards.
5. **Security Plan.** Section 4.1.29(D)(4) requires all marijuana facilities to have an adequate security plan to prevent access and removal of marijuana by non-authorized personnel. The applicant has included a detailed security plan within the application submittal and site plan sheet SK-4 includes the security layout on the building floor plan. The applicant states that their security plan has been reviewed previously by MRA and LARA and is currently in effect at their other retail locations. The Oxford site will be inspected by MRA prior being granted a license to operate. The security plan appears to be a well thought out and effective means of preventing access and removal of marijuana. Any site plan approval should only be granted contingent upon the Chief of Police's review and approval of the security plan.
6. **Other Operational Standards.** Section 4.1.29(D)(5) through (12), excluding subparagraph (9) which is addressed below, are additional operational standards for the use. They require that all marijuana related



operations must be conducted indoors, comply with any inspections, are prohibited from smoking or consuming marijuana on-site, cannot create a noise, odor, or sound nuisance nor transfer their license to another entity. The applicant has signed a release of liability, indemnification and waiver document along with an oath of application found on pages 5 and 6 of the application submittal. These acknowledgements include agreement by the applicant that they shall not violate the ordinances of the Village. The application is in compliance with these ordinance standards.

SITE PLAN REVIEW COMMENTS

Article 9, Chapter 1 of the zoning ordinance outlines the information requirements, review procedures and approval criteria for site plans within the Village. We provide the following comments for your consideration based on the zoning ordinance, other applicable Village ordinances and sound planning principals.

- A. Dimensional Requirements.** Section 3.4.4 lists the dimensional standards for buildings and setbacks in the I-1 zoning district. Based on the setbacks and dimensions on Sheet C-1.0 and revised Sheet SK-5 the existing building is compliant with zoning ordinance setback and dimensional requirements.
- B. Building Architecture.** The existing building has a standing seam burgundy metal roof with tan vertical siding on all elevations and a burgundy vertical siding along the foundation. Sheet SK-5 shows the elevations for the proposed building. The applicant is proposing to install "sandstone" horizontal metal siding on all elevations with a "majestic purple" horizontal metal siding along the foundation. A "matte black" vertical metal siding detail is proposed on the southeast corner elevation. The revised elevations indicate that the existing metal roof will be painted "matte black" to match the vertical siding. The proposed revisions will be attractive and provide a modern aesthetic.
- C. Off-Street Parking Requirements.** Article 7, Chapter 1 outlines off-street parking requirements. The regulations for a standard retail sales establishment is to provide enough parking for employees and customers while insuring parking lots are designed to function efficiently. The minimum off-street parking requirement for a retailer is one space per 350 SF of floor area. If this were the only regulation, the existing 4,000 SF building would require a minimum of 12 off-street parking spaces. The proposed off-street parking configuration provides 20 parking spaces.

Additional off-street parking standards apply. Section 9.1.9 outlines the required criteria for granting site plan approval. Specifically, Section 9.1.9(J) requires that off-street parking lots must accommodate the intensity of the proposed uses and minimize conflicts with adjacent uses. To determine compliance with this standard, it will be necessary to determine the parking needs for each use that will generate a parking demand. These uses include:

- 1. Marijuana Customer Capacity.** Marijuana retail facilities in other locations are known to have a high number of on-site customer visits. The small size of the product requires less floor space and allows for more points of contact between a salesperson and a customer, almost similar to a watch or jewelry store. If the applicant utilizes a retail system where each customer is always escorted by a sales person, this could be used to determine how many customers are in the retail area. The applicant has provided a revised floor plan on Sheet SK-3 and is proposing a 1,079 SF area where customers will be occupied. Based on the one space per 350 SF of floor area standard, the applicant proposes that four (4) customer parking spaces are sufficient. The applicant must indicate if four customers will be the maximum allowed in the building or provide another indicator for determining the customer parking demand.



2. **Retail Employees.** The applicant's operations plan within the submittal document indicates the potential for 24 employees to work at the retail facility. In the recent submittal, the applicant has provided a signed statement that no more than eight (8) employees will be on site at any given time. Based on this information, the site would provide eight (8) spaces for employees and twelve (12) spaces for customers.
3. **Curb-side Pick-up.** Providing curb-side pick-up service is a popular alternative service many retail establishments are providing. However, curb-side pick-up customers will not enter the waiting or retail areas of the building and the parking spaces occupied by these customers will not be available for employees or standard retail customers. The revised Sheet SK-3 now shows a separate fulfillment room and a curbside room separate from the retail floor area. Based on a floor plan designed to provide curbside service, the applicant must indicate the total number of parking spaces designated for curb-side pick-up. These spaces cannot be used to meet the standard retail customer parking requirement.

As mentioned above, the site shares an access point and internal access drive with the property to the south. The potential exists for customers to park on the property to the south, creating conflicts with the adjacent use. We believe in order for the use to be an asset to the community, every effort should be made to provide parking that will allow the use to operate efficiently on its own.

Based on the proposed maximum of eight (8) employees, the site has twelve (12) parking spaces available for customers. However, the internal customer capacity of the building will be limited based on parking spaces occupied by curb-side service customers. The applicant must provide a revised site plan that shows which parking spaces are dedicated for curb-side service. The proposed method of signage for the curbside parking spaces must be provided.

- D. **Parking Lot Revisions.** The applicant is proposing to remove an existing overhead door at the southwest corner of the building and place two parking spaces in front of the door in line with the parking spaces to the east. The surface in front of the overhead door is paved asphalt. Section 7.1.3(B)(2)(h) states a raised curb or bumper block is required along the perimeter of parking lot areas. The applicant must extend the foundation landscaping and sidewalk along the area in front of the removed overhead door. Bumper blocks should be placed in the front of the parking spaces along the detention pond to prevent encroachment into the landscaped detention area.
- E. **Loading Zone Access.** The site plan shows a loading zone at the northwest corner of the building to the south of the dumpster enclosure. A five (5) foot wide concrete sidewalk is proposed around the northwest corner of the building to an access door on the rear/north elevation. A note on Sheet C-1.0 indicates that the delivery vehicle will be a single-axle medium-duty class 4 city/conventional van. As proposed, the loading zone access is in compliance with standards.
- F. **Dumpster Enclosure.** The site currently has a dumpster located on a concrete slab located to the northwest of the building. The site plan on Sheet C-1.0 states the concrete pad will be removed, and a heavy duty concrete pad will be installed along with a dumpster enclosure. Page SK-6 includes a detail for a new dumpster enclosure. The new pad and enclosure are in compliance with zoning ordinance requirements.
- G. **Landscaping.** A revised landscape plan has been provided on Sheet L-1.0. The planting list identifies 24 shrubs consisting of blue muffin viburnum, kelsey dwarf dogwood shrubs and compact burning bush but their location is not shown on the landscape plan. Please revise the landscape plan to provide the location of the required shrubs.



- H. **Signage.** The building elevations include proposed signage on the south and east elevations. A free standing sign is also proposed along Glaspie Street. We suggest the applicant review the sign standards in Chapter Four of the zoning ordinance. All signage will require a separate sign application. Any proposed signage will be reviewed for zoning ordinance compliance at the time of application for a sign permit.
- I. **Exterior Lighting.** A photometric plan has been provided on Sheet SL-1.0. Currently the building has several wall packs that are unshielded and do not comply with the zoning ordinance. The photometric plan shows the installation of two wall mounted fixtures on the south elevation and one pole mounted fixture within the landscape island. As proposed the lighting plan is in compliance with ordinance standards.

RECOMMENDATION

The site and proposed use are in substantial compliance with ordinance standards. However, several outside reviews along with minor site plan issues remain. We recommend that the Planning Commission grant site plan approval contingent upon the following:

1. Approval of a mechanical plan by a licensed inspector during the building permit process.
2. Approval of the security plan by the Police Chief.
3. The submittal of a revised site plan that includes the following:
 - a. Identifies the dedicated curb-side service parking spaces and proposed method of signage.
 - b. Extending the foundation landscaping and sidewalk in front of the removed overhead door.
 - c. The placement of bumper blocks in front of the parking spaces along the detention pond
 - d. The location of the required shrubs on a revised landscape plan.

Please do not hesitate to contact us with any questions.

Respectfully submitted,

McKENNA

Mario A. Ortega, AICP
Principal Planner

CHRISTOPHER ENRIGHT ARCHITECTS

A PROFESSIONAL CORPORATION

September 28, 2021

Mr. Mario A. Ortega, AICP
McKenna
1938 Franklin Street
Suite 203
Detroit, MI 48207

Subject: **Lume Provisioning Center – Site Plan Review Response**
(Site Plan Dated August 31, 2021)

Location: **595 S Glaspie Street – Parcel ID# 04-26-327-008** (West side of Glaspie Street, north of the intersection with Oxford Lake Drive)

Zoning: **I-1, Industrial**

Dear Mr. Ortega,

At the Village's request, we have reviewed the above referenced site plan for the establishment of an adult use marijuana retailer at the above reference location. The applicant is Attitude Wellness, LLC and the property owner is M.L. Davis Properties.

ADULT USE MARIJUANA FACILITY ORDINANCE COMMENTS

1. **Location.** Section 4.1.29(C) requires adult use marijuana facilities to be located in the I-1 Industrial district and at least 500 feet from the nearest lot line of any child care center, day care facility, school or like facility. The site for the proposed use is in compliance with this requirement.

RESPONSE: None Required

2. **Hours of Operation.** Adult use marijuana retailers may only be open from 9:00 a.m. to 9:00 p.m. Within the applicant's submitted Business and Operations Plan they have indicated the retailer will operate from 10:00 a.m. to 9:00 p.m. The applicant is in compliance with this standard.

RESPONSE: None Required

3. **Odor Control Plan.** Section 4.1.29(D)(2) requires all marijuana facilities to be equipped with a mechanical system that at all times effectively confines any odor to the interior of the building. Sheet SK-6 includes a schematic of the HVAC system along with a cut sheet detail for the proposed carbon filter. The applicant must provide the minimum efficiency reporting value (MERV) rating for the filter that shall be used with the oxidation chamber identified in the architect's letter from the Odor Control Plan. We recommend the use of a filter with a MERV rating of 14 or higher.

The applicant has not provided a detailed mechanical system plan as this is not usually required until the building permit application phase of a project. The Planning Commission may require that a detailed mechanical system plan be submitted with a revised application to determine compliance with zoning ordinance standards, or they may consider granting site plan approval contingent upon approval of a mechanical plan by a licensed inspector during the building permit process.

RESPONSE: With 24 fully operating retail cannabis locations in the State of Michigan, Lume has significant experience with their operating methodology. ALL Lume products are manufactured in the Lume - Ewart, MI facility, placed into completely sealed packages and transported to the retail outlets in sealed containers. Products are then stored and displayed in the Provisional Center in the same sealed containers and are not opened to the air while at the premises. Though we are proposing a sophisticated HVAC system as required by the Village of Oxford, since no marijuana flower products are exposed to the air, the system is not necessary to eliminate any marijuana odors, as none will be present. Sheet SK-6 indicates all filters must meet MERV-14 or greater.

4. **Waste Water Control Plan.** Section 4.1.29(D)(3) requires all marijuana facilities to be designed and operated to minimize the amount of pesticides, fertilizers, nutrients and marijuana that is discharged into the public waste water and stormwater systems. The retail facility does not use pesticides, fertilizers or nutrients as part of its operation. The Disposal Plan within the application submittal states that any marijuana-related waste will be rendered to an unusable and unrecognizable form by being ground into a fine powder and then mixed with a biodegradable product, usually kitty litter, before being collected by a waste disposal company. This is the practice authorized by the State. The proposed waste control plan is in compliance with ordinance standards.

RESPONSE: None Required

5. **Security Plan.** Section 4.1.29(D)(4) requires all marijuana facilities to have an adequate security plan to prevent access and removal of marijuana by non-authorized personnel. The applicant has included a detailed security plan within the application submittal and site plan sheet SK-4 includes the security layout on the building floor plan. The applicant states that their security plan has been reviewed previously by MRA and LARA and is currently in effect at their other retail locations. The Oxford site will be inspected by MRA prior being granted a license to operate. The security plan appears to be a well thought out and effective means of preventing access and removal of marijuana. Any site plan approval should only be granted contingent upon the Chief of Police's review and approval of the security plan.

RESPONSE: None Required

- 6. Other Operational Standards.** Section 4.1.29(D)(5) through (12), excluding subparagraph (9) which is addressed below, are additional operational standards for the use. They require that all marijuana related operations must be conducted indoors, comply with any inspections, are prohibited from smoking or consuming marijuana on-site, cannot create a noise, odor, or sound noise nor transfer their license to another entity. The applicant has signed a release of liability, indemnification and waiver document along with an oath of application found on pages 5 and 6 of the application submittal. These acknowledgements include agreement by the applicant that they shall not violate the ordinances of the Village. The application is in compliance with these ordinance standards.

RESPONSE: None Required

SITE PLAN REVIEW COMMENTS

- A. Dimensional Requirements.** Section 3.4.4 lists the dimensional standards for buildings and setbacks in the I-1 zoning district. Based on the setbacks and dimensions on Sheet C-1.0 the existing building is compliant with zoning ordinance setback requirements. While it does appear the building is in compliance with the height requirements for the district, please provide the building height on a revised Sheet SK-5.

RESPONSE: Sheet SK-5 verifies building height and compliance with ordinance.

- B. Building Architecture.** The existing building has a standing seam burgundy metal roof with tan vertical siding on all elevations and a burgundy vertical siding along the foundation. Sheet SK-5 shows the elevations for the proposed building. The applicant is proposing to install "sandstone" horizontal metal siding on all elevations with a "majestic purple" horizontal metal siding along the foundation. A "Matte Black" vertical metal siding detail is proposed on the southeast corner elevation. Based on the elevation drawings, it appears the metal roof will change in color to grey. However, the "Majestic Purple" comes across as blue in the digital rendering. Please indicate if the existing roof will be painted or a new roof will be installed and the proposed final color for the roof. Conceptually, the proposed revisions will be attractive and provide a modern aesthetic.

RESPONSE: Sheet SK-5 indicates the existing standing seam metal roof is to be painted

- C. Off-Street Parking Requirements.** Article 7, Chapter 1 outlines off-street parking requirements. The standards for a standard retail sales establishment is to provide enough parking for employees and customers while insuring parking lots are designed to function efficiently. The minimum off-street parking requirement for a retailer is one space per 350 SF of floor area. The existing 4,000 SF building would require a minimum of 12 off-street parking spaces. Section 9.1.9 outlines the criteria to be used as a basis for granting site plan approval. Specifically, Section 9.1.9(J) requires off-street parking lots must accommodate the intensity of the proposed uses and minimize conflicts with adjacent uses. Marijuana retail facilities in other locations are known to have a high number of on-site customer visits. The small size of the product requires less floor space and allows for more points of contact between a salesperson and a customer, almost

similar to a watch or jewelry store. In addition, as can be seen on Sheet SK-3, a waiting room is required as a part of the operational floor plan by the State. The floor plan does not show how many seats are available for customers nor the maximum capacity. In addition to the potential for more than 11 customers within the building, the business and operations plan indicate that the applicant will have 24 employees for the use. If they applicant utilizes a curb-side pick-up option, the customers will not enter the building and these spaces will not be available for employees or customers that do wish to enter the building. The intensity of the proposed use will generate an off-street parking need greater than what 11 required or the 20 proposed parking spaces will provide.

As mentioned above, the site shares an access point and internal access drive with the property to the south. The potential exists for customers to park on the property to the south, creating conflicts with the adjacent use. We believe in order for the use to be an asset to the community, every effort should be made to provide parking that will allow the use to operate efficiently on its own. If parking is designed to meet the real world needs of the use the site would not negatively impact long standing businesses in the Village. Fortunately, the site is large enough to accommodate parking that will meet the needs of the proposed use. The applicant must revise the site plan to provide additional parking that is capable of accommodating the maximum allowed number of customers allowed within the building and the total number of employees on site during a shift change. The applicant must propose methods that will be used to minimize parking conflicts with the adjacent property.

RESPONSE: Per the attached, revised floor plan, we are proposing to eliminate 37.5% of the existing space previously dedicated to Lume, or about 1,427 Square Feet of the previous program. The Waiting Area and Sales area, the only areas accessed by the public, or Useable Floor Area, has been reduced by 55% or 1,079 Square Feet.

Regarding the calculations for required parking indicated above: Section 7.1.9 of the Oxford Zoning ordinance indicates that the minimum off-street parking requirement for a retailer is one space per 350 SF of usable floor area as defined in section 7.1.3(L), not gross floor area. With our proposed reduced floor plan area of 2,397 Square Feet, the Usable Floor Area is actually 1,079 S.F. This reduction in Useable Floor Area reduces our required parking spaces from 12 to 4. At 20 provided parking spaces, we are providing 5 times the amount of required parking.

With 24 operating Retail facilities across the State of Michigan, Lume has comprehensive operational experience especially related to parking. At this location, the attached signed document by Lume's Vice President of Retail Operations, Michael Dowdell verifies there will be (3) complete employee shifts and that no more than 8 employees will be on site at any time. This will leave a minimum of 12 customers at one time to park on site.

- D. Loading Zone Access.** *The site plan shows a loading zone at the northwest corner of the building to the south of the dumpster enclosure. The applicant should indicate which door will be used to transport items through. The use of the front door would require passing through the customer waiting room. Currently, there is not a sidewalk providing access to the rear/north elevation doors. Please indicate how the proposed loading zone will provide safe efficient access for the transport of marijuana into the building.*

RESPONSE: All products that are delivered to the retail facility via box trucks or delivery vans. Vehicles park in the loading zone and products are brought in by hand to the secure storage area at the north side of the building. We have revised the Site Plan C-1.0 to show a concrete sidewalk on the north side of the building to provide continuous paved access from the parking lot to the delivery door.

- E. Dumpster Enclosure.** *The site currently has a dumpster located on a concrete slab located to the northwest of the building. The site plan on Sheet C-1.0 states the concrete pad will be removed, and a heavy-duty concrete pad will be installed along with a dumpster enclosure. Page SK-6 includes a detail for a new dumpster enclosure. The new pad and enclosure are in compliance with zoning ordinance requirements.*

RESPONSE: None Required

- F. Landscaping.** *A landscape plan has been provided on Sheet L-1.0. Section 7.2.3(A)(4) requires all landscaped areas to provide an automatic underground or drip irrigation system. The landscape plan does not indicate an irrigation system is proposed to be installed. In addition, cut sheet details for the proposed installation method for plantings are also required. Please revise the landscape plan to include an irrigation system and planting details.*

RESPONSE: Sheet L-1.0 indicates the site will have a fully automatic irrigation system.

Section 7.2.3(C) requires deciduous trees to have a minimum size of 3.5 inches in caliper. The proposed streetspire oaks have a 3.0-inch caliper. The planting list identifies 24 shrubs consisting of blue muffin viburnum, kelsey dwarf dogwood shrubs and compact burning bush but their location is not shown on the landscape plan. Please revise the landscape plan to provide a compliant the minimum required deciduous tree size and the location of the required shrubs.

RESPONSE: Sheet L-1.0 has been revised to reflect the comment above.

The ordinance also requires that plant materials shall not include more than 30% of any single plant species. The five (5) proposed crabapple trees exceed this standard. Please revise the landscape plan to provide the compliant variety of plant materials.

RESPONSE: Sheet L-1.0 has been revised to reflect the comment above.

Section 7.2.5(A)(3) outlines the landscaping requirements within parking lots. Please provide one (1) deciduous tree and the associated shrubs or live groundcover plantings within in the existing landscape island.

RESPONSE: Sheet L-1.0 has been revised to reflect the comment above.

G. Signage. *The building elevations include proposed signage on the south and east elevations. A free-standing sign is also proposed along Glaspie Street. We suggest the applicant review the sign standards in Chapter Four of the zoning ordinance. All signage will require a separate sign application. Any proposed signage will be reviewed for zoning ordinance compliance at the time of application for a sign permit.*

RESPONSE: All proposed signage will meet the Oxford Signage Ordinance and Lume will be obtaining all required sign permits

H. Exterior Lighting. *A photometric plan has been provided on Sheet SL-1.0. Currently the building has several wall packs that are unshielded and do not comply with the zoning ordinance. The photometric plan shows the installation of two wall mounted fixtures on the south elevation and one pole mounted fixture within the landscape island. As proposed the lighting plan is in compliance with ordinance standards.*

RESPONSE: All exterior lighting will meet Oxford requirements

Please contact me with any additional comments or questions.

Sincerely,

Enright Architects



Christopher Enright, NCARB



OXFORD FIRE DEPARTMENT

96 N. Washington St. • Oxford, Michigan, 48371
Ph. (248) 969-9483 • Fax. (248) 969-9489

August 25, 2021

Re: Plan review
Site Plan
595 S. Glaspie St.
Oxford, Mi 48371

The Oxford Fire Department has received and reviewed the plans that have been submitted for the above address. The plans are **Approved** with the following comments.

- The Address Shall be legible and placed in a position that is visible from the street.
- A Knox Box will be required to be mounted to right or left side of the main entrance to the building

Please forward further questions to Lieutenant Frantz

Lieutenant BJ Frantz
Fire inspector
Office: 248 969-9483
Cell: 248 916-8600



THE VILLAGE

OF

Oxford

MICHIGAN



INSPECTORS: POLICE

Attached are a full set of plans that have been checked in and stamped received.
Please review 595 S. GLASPIE for:

M.J. RETAIL

- ☐ Completeness
- ☐ Current code
- ☐ Life and safety issues

Please make any notes in the space below, sign and date this form below.

SECURITY CAMERAS AT EVERY ANGLE OF BUILDING, INT/EXT.

ALARM SYSTEMS

PROPER ILLUMINATION OF BUILDING AND PARKING LOT.

Signed:

[Signature] - CHIEF OF POLICE

Date:

8/16/11

THE VILLAGE OF

Oxford
MICHIGAN



INSPECTORS:

DPW

Attached are a full set of plans that have been checked in and stamped received.

Please review *595 S. GLASPIE* for:

- ☐ Completeness
- ☐ Current code
- ☐ Life and safety issues

M.J. RETAIL

Please make any notes in the space below, sign and date this form below.

No Review - Water, Sewer & Storm Sewer - No Change

Signed:

Dan Britney

Date:

8-18-21

GRETCHEN WHITMER
GOVERNOR



ORLENE HAWKS
DIRECTOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING
VIA ELECTRONIC MAIL

Date: November 06, 2019

Addressee: Attitude Wellness LLC

Address: 600 W 7th Street
Ewart, MI 49631

RE: Prequalification status for your pending application

Dear Applicant:

The Marijuana Regulatory Agency (Agency) considered your partial application for prequalification status and determined that you have prequalification status pursuant to the licensing provisions of the Michigan Regulation and Taxation of Marihuana Act (MRTMA) and Emergency Rules dated July 03, 2019. This letter may be provided to a municipality as documentation of your prequalification status. Please note that this is a pending status until all application requirements of the MRTMA and Emergency Rules dated July 03, 2019 are completed. A state license for a marihuana establishment cannot be issued at this stage of the application process. During complete application review, the Agency will consider all information relevant to eligibility including information that has been newly acquired or information that is newly apparent since determination of Prequalification status.

If you have not already done so, please submit a facility license application (Step 2) for each state license for which you wish to apply. You may submit an application online through the Accela Citizen Access Portal on the Agency website at www.michigan.gov/MRA or your application may be submitted by mail or in person.

Mailing Address:

Marijuana Regulatory Agency
Licensing Division
Adult-Use
P.O. Box. 30205
Lansing, MI 48909

In Person:

Marijuana Regulatory Agency
Licensing Division
Adult-Use
2407 North Grand River
Lansing, MI 48906

Sincerely,

Licensing Division
Marijuana Regulatory Agency



Department of Licensing and Regulatory Affairs

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Individual Prequalification - Application

Record Status: Eligible

[Record Info](#)

[Payments](#)

Record Details

Record Name:

Douglas Hellyar

▼ More Details

☑ Related Contacts

Person Completing Online Form information

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Person Completing Online Form information

Individual

John Abbo

E-mail:john.abbo@lume.com

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City of Oxford Statement

I, Michael G. Dowdell, Vice President of Retail Operations hereby confirm that Lume's Adult-Use Retailer establishment located at 595 S Glaspie St, Oxford, Oxford, MI (the "Property") will have three (3) separate shifts for employees. Accordingly, Lume does not expect to have more than eight (8) employees on site at the Property at any given time. We will operate at this staff level per shift to ensure there is adequate parking for customers visiting the site. Based on our data and operating efficiency, Lume's average processing time per transaction is approximately 8 minutes. This rapid processing time will ensure that patrons are not lingering at the Property and will ensure that parking spaces are always readily available for incoming customers.

Michael G. Dowdell 9-27-21

Michael G. Dowdell
Vice President of Retail Operations