

**CITY OF MT. MORRIS**  
**PLANNING COMMISSION AGENDA**  
**October 18<sup>th</sup>, 2021**  
**6:30 p.m.**

- 1. MEETING CALLED TO ORDER:** Chairman Sara Black.
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA**
- 4. APPROVAL OF MINUTES:** Approval of September 20<sup>th</sup>, 2021 regular meeting minutes.
- 5. COMMUNICATIONS:**
  - a. None
- 6. PUBLIC COMMENT:**
- 7. UNFINISHED BUSINESS:**
  - a. None
- 8. NEW BUSINESS:**
  - a. **Public Hearing: 11401 North Saginaw Conditional Use Permit**
  - b. **Action on Conditional Use Permit: 11401 North Saginaw**
  - c. **Public Hearing: 643 Walker Street & 630 W. Mt. Morris Rd. Conditional Use Permit**
  - d. **Action on Conditional Use Permit: 643 Walker Street & 630 W. Mt. Morris Rd.**
- 9. PUBLIC COMMENT:**
- 10. UPDATES:**
  - a. None
- 11. PLANNING COMMISSION COMMENTS:**
- 12. ADJOURNMENT:**

**PLEASE BE COURTEOUS TO OTHERS**  
**SILENCE ALL CELL PHONES & OTHER DEVICES PRIOR TO THE MEETING**

**CITY OF MT MORRIS  
PLANNING COMMISSION  
September 20<sup>th</sup>, 2021**

At 6:30 p.m., Chairperson Sara Black called the Planning Commission Meeting to order.

**PRESENT:** Marc Gauze, Chris Vogt, Sara Black, Yusef Harrold, Sarah Young, Kenneth Andrews, Andrew Sorensen, and Mayor Jeffrey Roth.

**ABSENT:** City Manager/Treasurer Vicki Corlew

**OTHERS:** City Clerk Spencer Lewis.

**ROLL CALL:**

None.

**APPROVAL OF AGENDA:**

A motion was made by Chris Vogt, seconded by Mayor Jeff Roth to approve the agenda.

All Ayes

Motion carried.

**APPROVAL OF MINUTES:**

A motion was made by Chris Vogt, seconded by Marc Gauze to approve the regular meeting minutes from July 19<sup>th</sup>, 2021.

All Ayes

Motion carried.

**COMMUNICATIONS:**

None.

**PUBLIC COMMENT:**

None

**UNFINISHED BUSINESS:**

- a. None.

**NEW BUSINESS:**

**a. Consumers Energy Site Plan Review**

A motion was made by Mayor Jeffrey Roth, seconded by Chris Vogt to approve the consumers energy site plan as is.

Mayor Jeff Roth stated he wished the zoning administrator was here, along with someone from Consumers Energy. The Mayor stated that the only thing he is concerned with is the driveways, it does not look like (from the site plans) that they are doing any concrete approaches. With the zoning ordinance calls for any new development to have concrete or hard driveways. The Mayor understands why they need the gravel driveway with all of their equipment, etc. but that the right of way needs to be concrete or asphalt.

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Mayor Jeff Roth also stated that he would have questions on the drain pipe they are putting in, and they are not too clear on these site plans what the drain is for.

Marc Gauze stated that since someone from Consumers is not present, if we had questions or suggestions, how would something get resolved if it were brought up?

Yousef Harrold stated driving past the location before this meeting, aesthetically, it seems to be a great spot for this location.

Chris Vogt stated that we could push for the right of way being paved.

City Clerk Spencer Lewis stated that anything they wanted included would just need to be in the motion as a contingency.

Mayor Jeff Roth rescinded his original motion.

A motion was made by Chris Vogt, seconded by Sarah Young to approve the Consumers Energy Site Plans with a contingency of a paved right of way with concrete or asphalt.

[illegible]

Motion Carried.

## PUBLIC COMMENT

None.

### UPDATES:

None.

**PLANNING COMMISSION COMMENTS:**

Chris Vogt questioned if we had any idea when Consumers Energy planned on starting to build?

City Clerk Spencer Lewis stated he was not 100% sure.

Mayor Jeff Roth stated that everyone has a lot of reading and reviewing to do before next month's meeting.

**ADJOURNMENT:**

With no further business, the meeting was adjourned at **6:45 p.m.**

City Clerk, Spencer Lewis



# ROWE PROFESSIONAL SERVICES COMPANY

*Large Firm Resources. Personal Attention. <sup>sm</sup>*

## MEMORANDUM

**TO:** City of Mt. Morris Planning Commission  
**FROM:** Jason Ball, AICP  
Senior Planner  
**SUBJECT:** 11401 N. Saginaw Street Conditional Use Application  
**DATE:** October 5, 2021

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This is a review of an application to establish an adult use marijuana establishment at 11401 N. Saginaw Street, parcel number 57-12-200-075. Ordinance Number 2021-03 requires an application for a Conditional Use Permit and submission for Site Plan Review. Analyses of the request's compliance with City of Mt. Morris Zoning Ordinance provisions related to Conditional Uses, Site Plan Review, and the regulation of marijuana establishments were completed. The following is an overview of missing information and any issues related to zoning ordinance compliance based on the information provided by the applicant.

In summary, the site plan is missing some key information that is required for the Planning Commission to evaluate its compliance with the zoning ordinance (e.g., square footage of uses) and it does not provide any buffering or considerations for the potential impact on adjacent residentially-zoned properties.

### Missing Information

- **Section 7.03.A:** The site plan does not include any square footage calculations in the floor plan.
- **Section 7.03.K:** The site plan does not include any information regarding proposed exterior lighting.
- **Section 7.03.L:** The site plan does not display buildings within 50 feet of the boundary of the site.
- **Section 7.03.O:** The site plan does not provide any information on site grades. However, the grade on the site appears to be minimal, and no changes are proposed.
- **Section 7.03.Q:** The floor plan displays proposed uses but does not provide the square footage proposed to be utilized for each use.
- **Section 7.03.R:** The site plan does not include the proposed location of any trash receptacles.
- **Section 7.03.S:** The site plan does not include the proposed location of fire lanes.
- **Section 9.20.C.1.b:** No details regarding the building electrical system or power demands are included in the application.



### **Zoning Ordinance Compliance**

- **Section 5.02:** Square footage of sales area was estimated based on the site plan. Based on these estimates, the building meets the minimum requirement for parking spaces. However, square footage of sales areas should be confirmed by the applicant.
- **Section 5.04.A.2:** The site plan does not indicate any plan to create clearly limited and defined drives for ingress and egress. The ordinance requires adequate ingress and egress for vehicles by means of clearly limited and defined drives.
- **Section 5.04.A.3.a:** The setback from the adjacent residential property to the west appears to be less than 10 feet, but the distance is not shown on the site plan. The ordinance requires parking lots that abut side lot lines of residential districts to be set back at least 10 feet.
- **Section 5.04.A.4:** No screening wall is proposed to buffer against the residential property to the west. The ordinance requires a suitable screening wall. Suitable ornamental fencing may be substituted for the screening wall with the approval of the Planning Commission. Said wall or fence shall not extend into the required front open space of abutting residential lots. The height of the wall or fence shall be at least 4 feet but no higher than 6 feet.
- **Section 5.04.A.5:** The site plan does not indicate the proposed height and direction of any parking area lighting. All lighting for parking areas shall be limited to 20 feet in height and shall be directed away from and shielded from adjacent property and rights-of-way, especially residential areas, and shall be arranged to not adversely affect driver visibility on adjacent roads.
- **Section 5.04.A.6:** The site plan does not provide any information regarding parking lot drainage. The ordinance requires parking lots to be drained to eliminate surface water in such a way as to preclude drainage onto adjacent property or toward buildings.
- **Section 5.04.A.10:** The site plan does not provide any information regarding firefighting and emergency vehicle access. The ordinance requires the provision of sufficient firefighting and emergency vehicle access.
- **Section 5.05.D:** No lighting is detailed on the site plan. The ordinance requires any off-street parking area lighting to be arranged so as to direct light away from adjoining property and streets.
- **Section 5.05.E:** No grading or drainage is shown on the site plan. The ordinance requires off-street parking and loading areas to be graded and drained to dispose of all surface water into the storm water system.
- **Section 5.05.F:** The site plan does not provide any information regarding ingress or egress from the parking area. The ordinance requires any construction or rearrangement of existing drives to be arranged to ensure the maximum safety and least interference with traffic.

### **Standards for Approval**

Comments regarding the standards for approval of a Conditional Use and Site Plan, along with draft motion language are included in the attached checklists.

We hope this analysis assists the Planning Commission in your review of the rezoning request.

Attachments: Conditional Use Checklist  
Marijuana Facility Checklist  
Site Plan Review Checklist  
11401 N. Saginaw Map

# CITY OF MT. MORRIS

## CONDITIONAL USE CHECKLIST

Applicant:	Star Budz Provisioning Center, LLC
Property Address:	11401 N. Saginaw St.
Parcel ID:	57-12-200-075
Planning Commission Meeting Date	October 18, 2021

### GENERAL STANDARDS FOR APPROVAL OF CONDITIONAL USE SECTION 8.03

*The Planning Commission shall review the particular circumstances of the conditional use request under consideration in terms of the following standards, and shall approve a conditional use request only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this ordinance.*

Standard	Does Site Meet Requirements		
	Yes	No	N/A
1. The proposed conditional use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.			

#### COMMENTS/FINDINGS OF FACT:

- The proposed Marijuana retailer will be located in the former McNally Auto Sales building.
- Parcels to the North and South bordering Saginaw Street are zoned General Commercial, and the parcel to the West along Beach St. is zoned R3 Single Family-High Density.
- The parcel to the North on Saginaw St. is classified as residential, the property to the south is classified as commercial, and the property to the West is classified as residential.
- There is no visual buffer between the existing property and the residentially zoned area to the West, and the building is built against the Northern lot line.

Applicants Comments: Star Budz Provisioning Center LLC plans to develop a state of the art facility that will be an asset to the community. It will bring jobs and renovate a property that has been vacant and unused for several years. All development will comply with State of Michigan and City of Mount Morris laws and ordinances including building and safety codes.

Planning Consultant Comments: The existing building and parking area is not well-buffered against surrounding residential uses. Section 5.04 of the Zoning Ordinance requires a "suitable screening wall" between parking lots and residentially zoned parcels.

Planning Commission Comments:



Standard		Does Site Meet Requirements		
		Yes	No	N/A
2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.				
COMMENTS/FINDINGS OF FACT: <ul style="list-style-type: none"> <li>• The site plan provides for 7 parking spaces, 6 of which border the residential property to the West.</li> <li>• No details are provided regarding the expected daily traffic to the site.</li> <li>• The site plan does not indicate the location of driveways or ingress/egress from the parking lot.</li> </ul>				
Applicants Comments: The proposed facility is accessible from Saginaw Road. The property has ample parking to accommodate the planned business operations.	Planning Consultant Comments: Providing a clear ingress/egress onto the site would improve vehicular and pedestrian safety.	Planning Commission Comments:		
Standard		Does Site Meet Requirements		
		Yes	No	N/A
3. The proposed use shall be designed as to the location, size intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating there from which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.				
COMMENTS/FINDINGS OF FACT: <ul style="list-style-type: none"> <li>• Tab 7 provides a detailed Odor plan, including an HVAC plan for the facility.</li> <li>• Additional details on odor control are provided on Sheet A-3 of the Site Plan.</li> </ul>				
Applicants Comments: No nuisance shall be created by the proposed facility as all operations are maintained in the facility. The proposed facility will be designed with adequate ventilation and odor control systems to control odors if any.	Planning Consultant Comments: Anticipated nuisances from the sight related to odor and insects are addressed via applicant's submittals. No new lighting is proposed. The orientation of parking toward the adjacent residential area may create light and glare issues for neighboring residential properties.	Planning Commission Comments:		

Standard		Does Site Meet Requirements		
		Yes	No	N/A
4. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.				
COMMENTS/FINDINGS OF FACT:				
<ul style="list-style-type: none"> <li>No additions or significant changes are proposed to the existing structure.</li> <li>Several existing windows will be replaced with exterior walls. Existing windows that open to Saginaw Street appear to be planned for replacement, but the site plan is not clear on this change.</li> </ul>				
Applicants Comments: The proposed facility will comply with all State of Michigan and City of Mount Morris laws, codes and ordinances. The facility will be a state of the art facility that the City of Mount Morris can be proud of. This will attract development near the facility and the proposed facility will also provide jobs to members of the community.	Planning Consultant Comments: Proposed site plans do not appear to propose any additions or structural changes. The addition of landscaping and the parking lot wall required by Section 5.04 would improve the character of the surrounding neighborhood. Windows bordering Saginaw Street will be removed, creating a large blank wall facing the street. Addition of landscaping or treatments to the Saginaw Street facing portion of the building would reduce the impact on the street.	Planning Commission Comments:		
Standard		Does Site Meet Requirements		
		Yes	No	N/A
5. The conditional use shall not place demands on public services and facilities in excess of current capacity.				
COMMENTS/FINDINGS OF FACT:				
<ul style="list-style-type: none"> <li>The site plan does not propose any changes to utilities on the site.</li> </ul>				
Applicants Comments: There should be no increased demands on public services and facilities from the proposed use as an adult use retailer.	Planning Consultant Comments: N/A.	Planning Commission Comments:		



Standard		Does Site Meet Requirements		
		Yes	No	N/A
6. The proposed use shall be so designed, located, planned and operated that the public health, safety and welfare will be protected.				
COMMENTS/FINDINGS OF FACT:				
<ul style="list-style-type: none"> <li>N/A</li> </ul>				
Applicants Comments: Yes. The proposed facility will be designed and operated with public health, safety, and welfare in mind. The proposed facility will have audible alarms, silent alarms, and video surveillance and security systems to ensure safety not only for the facility itself, but the cameras will also provide some security for the surrounding areas. The facility will never sell products to anyone under the age of 2 and shall comply with all laws of the State of Michigan and the City of Mount Morris.	Planning Consultant Comments: Compliance with applicable State of Michigan laws and standards should limit any adverse affects on public health, safety, and welfare.	Planning Commission Comments:		
Standard		Does Site Meet Requirements		
		Yes	No	N/A
7. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or permitted land uses in the zoning district.				
COMMENTS/FINDINGS OF FACT:				
Applicants Comments:	Planning Consultant Comments: Adding a wall and buffer for the residential property to the West and addressing the building frontage on Saginaw St. would help ensure that the new use enhances the character and quality of the surrounding neighborhood.	Planning Commission Comments:		

**Sample Motion to Approve:**

I make a motion to approve the requested conditional use based on the following findings of fact:

- 
- 
- 

Further, in order to ensure compliance with these standards, the following conditions are part of my motion to approve:

- 
- 
- 

**Sample motion to disapprove:**

I make a motion to deny the requested conditional use based on the following findings of fact:

- It does not comply with Standard # \_\_\_\_\_ based on ...
- It does not comply with Standard # \_\_\_\_\_ based on ...

**Sample motion to postpone:**

I make a motion to postpone the approval of the conditional use until the next regular meeting to provide the applicant with the opportunity to provide the following information.

- Information on \_\_\_\_\_ to verify compliance with \_\_\_\_\_
- Information on \_\_\_\_\_ to verify compliance with \_\_\_\_\_

# CITY OF MT. MORRIS

## MARIJUANA FACILITY CHECKLIST

Applicant	Star Budz Provisioning Center, LLC
Address	11401 N. Saginaw St.
Parcel ID	57-12-200-075
Planning Commission Meeting Date	October 18, 2021

### MARIJUANA FACILITY REQUIREMENTS ORDINANCE NO. 2021-03

Requirement	Does Site Plan Meet the Requirement?			
	Yes	No	N/A	Comment
1) Facility complies with locational limitations. Site shall <u>not</u> be: a. Within eight hundred (800) feet of any other marijuana transaction facility and/or marijuana establishment; if the same applicant has one parcel of land in which they have the ability to co-locate a provisioning center/retailer, a grow facility/grower and/or processing center/processor, there may be an exception given to permit these uses on that one parcel of land. Each facility will provide separate applications and will be given separate consideration along with individual annual fees; b. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building use for the care or instruction of children under 18 years of age; c. Within two hundred fifty (250) feet of any church, house of worship or other religious facility or institution; and d. Within five hundred (500) feet of any public or municipal park.	X			See attached map.
2) It is not the intention of the City of Mt. Morris to require an additional special use approval for the marijuana establishment if the Planning Commission has already approved a special use for a medical marijuana providing center and said provisioning center has been operating under that approval with a State of Michigan approved license.			X	
3) Security system details, which shall include, at the minimum, audible and silent alarms and video surveillance cameras.	X			Sheet A-2
4) Details regarding the building electrical system, power demands of specialized lighting and other necessary equipment, and method proposed to prevent excessive heat build-up and risk of fire within the building.		X		No details on electrical system are provided.
5) Ventilation equipment details, including fresh air intake and filtration of exhaust air to prevent offensive odors from leaving the site.	X			Sheet A-3 and Tab 7 of application.
6) Proposed methods for controlling insects within the building and preventing insects from becoming a nuisance or health hazard, off the site.	X			Tab 9 of application.
7) A description of the operation of the commercial marijuana establishments in sufficient detail to permit the City to determine if the operation, as described would be lawful and fully compliant with The Michigan Regulation and Taxation of Marijuana Act (MRTMA).	X			Tab 5 of application.



*Applications are considered on a first come basis for purpose of required locational limitations as set forth in Section 6.12 Section 2r. Consideration is only taken when the complete application is submitted to the City of Mt. Morris and any required fees are paid in full. Consideration may be taken when there is a pending application to the Zoning Board of Appeals or Planning Commission, as appropriate. Application for a State operating license does not secure any position for locational limitations.*

# CITY OF MT. MORRIS

## SITE PLAN REVIEW CHECKLIST

Applicant	Star Budz Provisioning Center, LLC
Address	11401 N. Saginaw St.
Parcel ID	57-12-200-075
Planning Commission Meeting Date	October 18, 2021

- ☒ Application complete, signed, and submitted.
- ☐ Application fee paid.
- ☒ 14 copies of the site plan provided to the City Clerk delivered at least 10 working days prior to PC meeting.

### SITE PLAN INFORMATIONAL REQUIREMENTS SECTION 7.03

Requirement	Does Site Plan Include this Information?			
	Yes	No	N/A	Comments
A. Statistical data including: Number of dwelling units, size of dwelling units (e.g., 1-bedroom, 2-bedrooms, 3-bedrooms), if any, and total gross acreage involved. In the case of mobile home parks, the size and location of each mobile home site shall be shown. In all other cases, the location, type, horsepower, fuel, dimensions, and other data of all machinery to be used on the proposed site (to determine compliance with minimum lot size, maximum lot coverage and density requirements and parking requirements)..			X	No dwelling units, mobile home parks, or machinery is proposed.
B. The location of principal and accessory buildings on the lot and the relationship of each structure to another (to determine compliance with setback requirements).	X			Sheet A-1.
C. Vehicular traffic and pedestrian circulation features within and without the site (to determine compliance with traffic access standards including adequacy of access, conflicts between vehicles and pedestrians, turning movement conflicts between the site and other nearby driveways).	X			Sheet A-1
D. The location and dimensions of all off-street parking areas including maneuvering lanes, service lanes, off-street loading spaces, and other service areas within the development (to determine compliance with parking requirements).	X			Sheet A-1
E. The location, dimensions, and proposed use of all recreation areas, if any (to determine compliance with standards related to compatibility with adjacent areas).			X	
F. The location of all proposed landscaping, fences or walls (to determine compliance with screening and landscaping requirements).	X			Grass on western border of property is the only landscaping shown.
G. The height and dimensions of all structures (to determine compliance with maximum height and lot coverage requirements as well as minimum building size requirements (residential) where applicable).	X			Sheet A-4
H. Front, rear, and side elevation of any typical structure proposed for development.	X			Sheet A-4

**SITE PLAN INFORMATIONAL REQUIREMENTS  
SECTION 7.03**

Requirement	Does Site Plan Include this Information?			
	Yes	No	N/A	Comments
I. The location and capacity of private or public water, sanitary services and solid waste disposal facilities servicing the site (to ensure compliance with the standard requiring adequate water and sewer service, and to prevent overloading the city's water or sewer system).			X	No changes proposed.
J. The location, dimensions, type and lighting of all signs (to ensure compliance with sign requirements).			X	No signs shown on site plan. Signage can be applied for separately.
K. The location, intensity and orientation of all lights (to determine compliance with requirements regarding lighting being directed off adjacent premises).		?		No lighting shown on site plan. Will there be any additional security or parking lot lighting?
L. Buildings within 50 feet of the boundary of the site (to determine compliance with any setback standards linked to structures on adjacent lots, or in the case of a conditional use permit, to determine suitability of the site for the proposed use based on proximity of incompatible uses).		X		Area map shown on Sheet A-0, but site plans do not indicate adjacent structures or distances from subject parcel
M. Location of any identified wetlands (to comply with standards relating to protection of natural features and/or compliance with local, state and federal laws).			X	FEMA map does not indicate subject parcel sits within a floodplain.
N. Outdoor storage or activity areas (to comply with standards relating to outdoor storage of material or outdoor activities).			X	None proposed.
O. Existing and proposed grades at two-foot intervals (to determine any minimum or maximum grade requirements, clear vision requirements and height requirements).		X		No grades shown on plans. The area appears to have minimal elevation change.
P. Cross section showing construction of drives and parking area (to comply with requirements regarding pavement surface and adequacy of base material).			X	No construction of driveways or parking proposed.
Q. Floor plan showing existing and proposed uses (to verify gross vs. usable floor area and principal vs. accessory uses).		X		Uses shown, but no square footage is provided.
R. Location of trash receptacles (to determine compliance with ordinance requirements regarding location and screening).		?		None are shown on the site plan. How will waste be handled, are there any plans for a dumpster?
S. Designation of fire lanes (to determine compliance with fire code requirements).		X		A fire lane is not indicated on the site plan.
<i>The individual or body responsible for reviewing and approving a site plan may waive any of the requirements above either on an individual basis or by establishment of an administrative rule when the information is not needed to determine compliance of the site with the requirements of this appendix.</i>				



### ARTICLE 3 GENERAL REQUIREMENTS

Requirement	Does Site Plan Meet the Requirement?			
	Yes	No	N/A	Comment
<b>Sec. 3.09 Accessory Buildings</b>				
A. Non-Residential Districts: Any part of a detached accessory building shall be at least fifty five (55) feet from any front lot line when the adjoining lot is located in a residential district.			X	
B. Residential Districts: No accessory building shall be erected in other than a side or rear yard. The garage or similar accessory building may be built up to within five (5) feet of the side and/or rear lot line; provided that such structure adjacent to such side or rear lot line is constructed to achieve the proper fire rating in compliance with the local building code. When the rear line of a corner lot abuts the side line of an adjoining lot in a residential district, no accessory building shall be within five (5) feet of such abutting lot line nor closer to the side street lot line than the setback of the principal building on the same adjoining lot. When the rear line of a corner lot abuts the rear line of any other lot or is directly across an alley therefrom, no accessory building shall be closer to the side street lot line than the setback of the principal building on the same lot.			X	
Sec. 3.10 Sight Distance. No obstruction to vision shall be permitted at the intersection of any street or road with another street or road or street or road junction between the heights of two feet and eight feet above centerline elevation of said streets or roads within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points which are located on those intersection right-of-way lines 25 feet from the point of intersection of the right-of-way lines.	X			Sheet A-1
Sec. 3.11 Lot Grades			X	
Sec. 3.12 Curb Cuts and Driveways			X	
Section 3.16 Private Roads			X	

### ARTICLE 4 NONCONFORMING USES, STRUCTURES

Requirement	Does Site Plan Meet the Requirement?			
	Yes	No	N/A	Comment
Section 4.01 (A) Class A and B nonconforming uses			X	
Section 4.02 Nonconforming Structures			X	
Section 4.03 Nonconforming Lots of Record			X	

### OFF-STREET PARKING REQUIREMENTS

#### SECTION 5.01

Requirement	Does Site Plan Meet the Requirement?			
	Yes	No	N/A	Comment
A. All future development of land or expansion of existing uses shall meet these parking requirements:				
B. Off-street parking spaces for nonresidential uses in residential districts shall be located within a rear yard or within a side yard.			X	Property is not located in a residential district.
C. Off-street parking for other than residential uses shall be either on the same lot or within 300 feet of the building it is intended to serve (or a distance approved by the planning commission), measured from the nearest point of the building to the nearest point of the off-street parking lot. Parking may not be located across Saginaw or Mt. Morris streets from the business it serves.	X			Sheet A-1.

**OFF-STREET PARKING REQUIREMENTS  
SECTION 5.01**

Requirement	Does Site Plan Meet the Requirement?			
	Yes	No	N/A	Comment
D. The storage, maintenance or repair of merchandise, motor vehicles or other equipment on required off-street parking spaces is prohibited.	X			Sheet A-1, no outdoor storage shown.
E. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the planning commission considers is similar in type.				
F. When units of measurements determining the number of required parking spaces result in the requirement of a fractional space, all fractions over one-half shall be rounded up.				

**OFF-STREET PARKING AND OFF-STREET LOADING SPACE REQUIREMENTS  
SECTION 5.02**

Required		Provided	
Off-Street Parking Spaces (Retail)	7	Off-Street Parking Spaces	7
Off-Street Loading Spaces	0	Off-Street Loading Spaces	1

\*The site plan calculates parking requirements based on "wholesale use". Because the use is a Marijuana Retailer a retail parking requirement is more appropriate. Retail buildings are required to provide 1 off-street parking space per 100 square feet of sales area. Based on the site plan, if sales area includes the Display Area, Waiting Area, and Reception areas shown on Sheet A-3, total sales area of these spaces is approximately 703 square feet.

**DESIGN REQUIREMENTS FOR OFF-STREET PARKING AND LOADING SPACES  
SECTION 5.04**

Requirement	Does Site Plan Meet the Requirement?			
	Yes	No	N/A	Comment
A. Off-street parking lots spaces shall be laid out, constructed and maintained in accordance with the following requirements:				
1. No parking lot shall be construed without a zoning permit issued by the zoning administrator. Parking lots that are part of site plan approved by the Planning Commission do not require a separate zoning permit.	X			
2. Adequate ingress and egress to the parking lot shall be provided for vehicles by means of clearly limited and defined drives.		X		No ingress or egress is shown on the plan.
3. Parking spaces shall be set back from abutting residential districts as follows:				
a. Where the parking lot abuts on side lot lines, the required setback shall be ten feet from the side lot lines.		X		Parking lot appears to be less than ten feet from the North, West, and South lot lines.
b. Where the parking lot abuts on a contiguous common frontage in the same block, the required setback from the street right-of-way shall be equal to the residential required setback, or average of existing setbacks in the common block frontage, whichever is greater.			X	
c. Where the parking lot is across the street and opposite, with residential lots fronting on such streets, the required setback from the street right-of-way shall be equivalent to the opposite residential required setback.			X	
d. Where the parking lot abuts the rear lot line, the required setback shall be ten feet from the street lot line.			X	Corner lots do not have rear lot lines.



## DESIGN REQUIREMENTS FOR OFF-STREET PARKING AND LOADING SPACES

### SECTION 5.04

Requirement	Does Site Plan Meet the Requirement?			
	Yes	No	N/A	Comment
4. Where the parking lot boundary adjoins property zoned for residential use, a suitable screening wall shall be provided. Suitable ornamental fencing may be substituted for the screening wall with the approval of the planning commission. Said wall or fence shall not extend into the required front open space of abutting residential lots. The height of the wall or fence shall be at least four feet but no higher than six feet.		X		Screening wall should be provided on Western edge of property bordering property zoned R3.
5. All lighting for parking areas shall be limited to 20 feet in height and shall be directed away from and shielded from adjacent property and rights-of-way, especially residential areas, and shall be arranged to not adversely affect driver visibility on adjacent roads.		?		No lighting detailed on plan.
6. The parking lot shall be drained to eliminate surface water in such a way as to preclude drainage onto adjacent property or toward buildings.		?		No drainage detailed on plan.
7. The surface of the parking lot, including drives and aisles, except for the buffer strips, shall be constructed of concrete, bituminous asphalt or similar dustless and durable all-weather surface material.	X			Sheet A-1.
8. The parking facilities design and layout meets the minimum dimensional requirements:	X			Sheet A-1
9. All parking lots shall meet Michigan Barrier Free parking space requirements.	X			Sheet A-1
10. All parking areas (including loading and unloading areas) must provide for sufficient access for fire fighting and access by other emergency vehicles.		?		No fire lane or access shown.
<b>B. Off-street loading spaces for specified land uses shall be provided in accordance with the following requirements:</b>				
1. Retail uses. All retail sales facilities exceeding 10,000 square feet in floor area shall provide two loading spaces plus one loading space for each additional 30,000 square feet of floor area over 10,000 feet.			X	Total building area is 2,048 square feet. See Sheet A-1.
2. Industrial uses. All industrial land uses shall provide one loading space for each 10,000 square feet of floor area, with a minimum of not less than two loading spaces.			X	
3. All loading spaces shall be located and designed to avoid creating traffic hazard to public use of all public rights-of-way.			X	

**OFF-STREET LOADING REQUIREMENTS  
SECTION 5.05**

<i>Requirement</i>	<i>Does Site Plan Meet the Requirement?</i>			
	<i>Yes</i>	<i>No</i>	<i>N/A</i>	<i>Comment</i>
A. Each parking space shall consist of an area not less than ten feet wide by 20 feet deep; provided, however such dimensions shall be increased, when necessary, to permit safe ingress and egress thereto.	X			Sheet A-1
B. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and maneuvered without moving or damaging another.	X			Sheet A-1
C. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, or improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinance and regulations of the city.	X			Sheet A-1
D. Any lighting used to illuminate any off-street parking and loading area shall be so arranged so as to direct light away from adjoining property and streets.		?		No lighting is detailed on the site plan.
E. Off-street parking and loading areas shall be surfaced with asphalt, bituminous or concrete pavement, and shall be graded and drained to dispose of all surface water into the storm sewer system.		?		No grading or drainage is shown on the site plan.
F. Any construction or rearrangement of existing drives which involve the ingress and/or egress of vehicular traffic to or from a public street shall be so arranged so as to insure the maximum of safety and the least interference with traffic upon said streets and shall be approved by the zoning administrator, in writing.		?		No detail for driveways or ingress/egress is shown on the site plan.

**DISTRICT DIMENSIONAL REQUIREMENTS  
SECTIONSS 6.14 & 6.15**

<b>Zoning District: C General Business</b>		<b>Proposed Use: Marihuana Retailer</b>
<i>District Requirement</i>	<i>Ordinance Standard</i>	<i>Proposed Site Plan</i>
Minimum Lot Area (sq. ft.)	n/a	n/a
Minimum Setbacks - Front (Saginaw St.)	Existing building	13'
- Front (Beach St.)	Existing building	About 22'
- Sides (2)	50'	61'
- Rear	n/a	n/a
Maximum Building Height (ft)	Within approved fire fighting capabilities	13'
Minimum Lot Width (ft.)	n/a	63'
Minimum Lot Depth (ft.)	n/a	141'
Maximum Lot Coverage (%)	n/a	22.7%
Maximum Number of Accessory Structures	n/a	-
Maximum Height of Accessory Structures	n/a	-



## ARTICLE 9. DESIGN STANDARDS

<i>Requirement</i>	Does Site Plan Meet the Requirement?			
	Yes	No	N/A	Comment
Sec. 9.01. Adult foster care family and small group homes site design standards.			X	
Sec. 9.02. Adult foster care medium and large group homes site design standards.			X	
Sec. 9.03. Adult uses site design standards.			X	
Sec. 9.04. Cemeteries, municipal, denominational and private cemeteries site design standards.			X	
Sec. 9.05. Cluster subdivision site design standards.			X	
Sec. 9.06. Family day care home and group day care home site design standards.			X	
Sec. 9.07. Fire station and water tower site design standards.			X	
Sec. 9.08. Garden apartment and townhouse site design standards.			X	
Sec. 9.09. Home occupations site design standards.			X	
Sec. 9.10. Hospitals, sanitariums, clinics, nursing and rest homes and charitable institutions for human care site design standards.			X	
Sec. 9.11. Industrial park site design standards.			X	
Sec. 9.12. Mixed use site design standards.			X	
Sec. 9.13. Mobile home park site design standards.			X	
Sec. 9.14. Planned unit development site design standards.			X	
Sec. 9.15. Public parks, golf courses, country clubs, tennis courts, and similar recreational uses site design standards.			X	
Sec. 9.16. Radio and television station site design standards.			X	
Sec. 9.17. Shopping center site design standards.			X	
Sec. 9.18. Drive-thru facilities in central business district.			X	
Sec. 9.19. Wireless telecommunications towers and antennas.			X	
			X	

**GENERAL STANDARDS FOR APPROVAL OF SITE PLANS**  
**SECTION 7.06**

<i>Requirement</i>	Does Site Plan Include this Information?		
	Yes	No	N/A
<p>A. Sidewalks and other walkways, driveways, parking areas, loading areas and maneuvering lanes will be designed to promote traffic safety, minimize turning movement conflicts, eliminate the stacking of cars within the public right-of-way, minimize vehicle/pedestrian conflicts, provide adequate access for fire, police, ambulance and other emergency services personnel, minimize the number of driveways with access onto major streets, promote adequate spacing between driveways, ensure adequate geometric design of streets and promote shared access.</p>			
<p>COMMENTS/FINDINGS OF FACT:</p> <ul style="list-style-type: none"> <li>The parking area does not have clearly defined driveways or ingress/egress. The frontage along Beach Street acts as one large driveway area. The frontage along Saginaw Street is not designated for any use in the Site Plan. It is currently paved.</li> <li>The Site Plan orients 7 parking spaces along the Western portion of the lot, abutting a residentially zoned parcel.</li> <li>The site plan does not indicate access for emergency services or a fire lane.</li> </ul>			
<p>Applicants Comments:</p>	<p>Planning Consultant Comments: The lack of driveways and ingress/egress for the parking lot makes evaluation of potential traffic impacts difficult. Delineation of an entrance/exit area with signage, planters, bollards, or other structures would enhance safety for pedestrians.</p> <p>Planning Commission Comments:</p>		
<p>B. Adequate transition areas or buffers will be provided between land uses to minimize off-site conflicts due to noise, light, smoke, odor or other nuisances and to maintain physical attractiveness.</p>			
<p>COMMENTS/FINDINGS OF FACT:</p> <ul style="list-style-type: none"> <li>There is an area of grass on the Western border of the property that is approximately 5' wide. Otherwise there are no buffers or transitions areas on the site relative to adjacent properties.</li> <li>The property to the West is zoned R3 and classified as residential, the property to the North is zoned C, but also classified as residential.</li> </ul>			
<p>Applicants Comments:</p>	<p>Planning Consultant Comments: Meeting Section 5.04.A.4. standard for construction of a screening wall on the western portion of the property would help address potential light and glare issues for the adjacent residentially zoned property. Continuation of similar screening with property to the North may also be appropriate. Applicant appears to have addressed odor issues via the Odor control plan submitted with the application.</p> <p>Planning Commission Comments:</p>		

**GENERAL STANDARDS FOR APPROVAL OF SITE PLANS  
SECTION 7.06**

<i>Requirement</i>		Does Site Plan Include this Information?		
		Yes	No	N/A
C. Utility service is adequate to serve the needs of the development. Water pressure and capacity are adequate to meet usage and fire fighting needs. Sewer lines are adequate to handle the increased flow projected by the land use, and the city has adequate treatment capacity at the county wastewater treatment plant. Storm water facilities are adequate to handle any increased water run-off, which will be minimized through the use of storm water retention and detention facilities when appropriate. The site shall be designed to ensure that there is no increase in runoff onto adjacent sites or that existing drainage patterns are harmed.				
<p>COMMENTS/FINDINGS OF FACT:</p> <ul style="list-style-type: none"> <li>Applicant stated in the Conditional Use application that there should be no increased demands on public services or facilities.</li> </ul>				
Applicants Comments:	Planning Consultant Comments: There do not appear to be any increased demands on public facilities and utilities because of the new use. However, the site plan does not provide any information regarding drainage or electrical demands.	Planning Commission Comments:		
D. Physical improvements including sidewalks, drives and parking areas shall be built to adequate standards to minimize premature deterioration.				
<p>COMMENTS/FINDINGS OF FACT:</p> <ul style="list-style-type: none"> <li>No alterations to the existing sidewalk and parking area are proposed. The parking area and sidewalk are both constructed of concrete.</li> </ul>				
Applicants Comments:	Planning Consultant Comments: N/A.	Planning Commission Comments:		
E. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spill or discharges to the air, surface of the ground, groundwater, streams, drains or wetlands. Secondary containment for above ground storage of hazardous material shall be provided.				
<p>COMMENTS/FINDINGS OF FACT:</p> <ul style="list-style-type: none"> <li>No storage of hazardous substances is proposed.</li> </ul>				
Applicants Comments:	Planning Consultant Comments: N/A	Planning Commission Comments:		

**Sample Motion to Approve:**

I make a motion to approve the requested site plan based on the following findings of fact:

- 
- 
- 

Further, in order to ensure compliance with these standards, the following conditions are part of my motion to approve:  
(Sample conditions)

- 
- 

**Sample motion to disapprove:**

I make a motion to deny the requested site plan based on the following findings of fact:

- It does not comply with \_\_\_\_\_ based on .....
- It does not comply with \_\_\_\_\_ based on .....

**Sample motion to postpone:**







I make a motion to postpone the approval of the site plan until the next regular meeting to provide the applicant with the opportunity to provide the following information.

- Information on \_\_\_\_\_ to verify compliance with \_\_\_\_\_
- Information on \_\_\_\_\_ to verify compliance with \_\_\_\_\_





**Legend**

- |   |             |   |                      |
|---|-------------|---|----------------------|
|  | Loc. Buffer |  | Churches             |
|  | Parcels     |  | Parks                |
|  | Schools     |  | 11401 N. Saginaw St. |



0 105 210 420 Feet



**ROWE PROFESSIONAL  
SERVICES COMPANY**

540 S. Saginaw Street, Suite 200  
Flint, MI 48502

Date: 9/23/2021