



LINCOLN PARK PLANNING COMMISSION
CITY HALL – COUNCIL CHAMBERS
1355 SOUTHFIELD ROAD
LINCOLN PARK, MICHIGAN

Wednesday, May 11, 2016
7:00 p.m.

AGENDA

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Approval of February 10, 2016 Minutes**
- V. Approval of Agenda**
- VI. Old Business - NONE**
- VII. New Business**
 - A. Conceptual Review: Medical Marihuana Facility, 1600 John A Papalas Drive**
 - B. Resolution: Request for Legal Opinion Regarding Number of Caregivers Per Facility Permitted by Lincoln Park Ordinance**
- VIII. Reports from Departments and Other Boards and Commissions**
 - A. Training scholarship opportunity**
 - B. Planning website: www.linconparkplanning.bria2.net**
- IX. Public Comments**
- X. Comments from Planning Commissioners**
- XI. Adjournment**

The City of Lincoln Park will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed material being considered at the meeting to individuals with disabilities at the meeting/hearing upon seven (7) days prior notice to the City of Lincoln Park. Individuals with disabilities requiring auxiliary aides or services should contact the City of Lincoln Park by writing or calling the following: The Building Department, 1355 Southfield Road, Lincoln Park, MI 48146(313) 386-1800 Ext. 1296

Welcome to the Lincoln Park Planning Commission

For those in the audience who are not familiar with the operation of the Planning Commission, the following paragraphs provide some general information concerning the meeting procedures.

Procedure for Public Comment (Section 2.G of By-laws)

A limit of three (3) minutes per participant during the call to the public shall be permitted for any written or oral statements. If necessary, the Chair may further restrict the time limit for public comment during any meeting to ensure an orderly meeting.

The Chair may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the Chair, in his/her discretion, may permit additional comments.

All comments by the public, staff and the Planning Commission shall be directed to the Chair.

The Planning Commission will take all comments into consideration, but will not discuss nor respond directly to questions posed during the said meeting.

Procedure for Public Hearings (Section 2.H of By-laws)

A limit of three (3) minutes per participant during the hearing shall be permitted for any written or oral statements. If necessary, the Chair may further restrict the time limit for public participation during any meeting to ensure an orderly meeting.

All public hearings must be held as part of a regular or special meeting of the Planning Commission. The following rules of procedure shall apply to public hearings held by the Planning Commission:

- a. Chair opens the public hearing and announces the subject.
- b. Chair summarizes the procedures/rules to be followed during the hearing.
- c. City planner/engineer/consultant presents their report and recommendation.
- d. Applicant presents the main points of the application.
- e. Public is invited to speak in support or opposition to the application.
- f. Chair closes the public hearing and returns to the regular/special meeting.

The Chair may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the Chair, in his/her discretion, may permit additional comments.

All comments by the public, staff and the Planning Commission shall be directed to the Chair. All comments shall be related to the application under discussion; unrelated comments shall be ruled out of order.

February 10th 2016

PLANNING COMMISSION

A Regular Meeting of the Lincoln Park Planning Commission was called to order on February 10th at 7:00 p.m., Chairman Kissel presiding.

PRESENT: Commissioners Bush, Graczyk, Palmer, Kelsey, Kissel

ABSENT: Commissioner Briones

EXCUSED: Briones

ALSO PRESENT: Leah DuMouchel from Beckett & Raeder

The agenda was approved as written.

OLD BUSINESS

None.

NEW BUSINESS

None

ELECTIONS

Kelsey nominates Kevin Kissel for Chairman, Bush seconds. Kissell accepts.

Kelsey nominates Joe Palmer, Bush seconds. Palmer accepts.

No nomination for secretary, will be tabled until we can get 3 more commissioners.

PUBLIC COMMENTS

None

ADJOURNMENT

MOTION BY: Commissioner Kelsey

SUPPORTED BY: Commissioner Palmer

RESOLVED, to adjourn meeting at 7:48 p.m.

MOTION CARRIED UNANIMOUSLY.

Minutes recorded and submitted by:

James Fiema-Secretary

Case No. _____

Date Submitted _____

City of Lincoln Park
APPLICATION FOR SPECIAL USE APPROVAL

NOTICE TO APPLICANT: Applications for Special Use review by the Planning Commission must be submitted to the City *in substantially complete form* at least thirty (30) days prior to the Planning Commission's meeting at which the proposal will be considered. The application must be accompanied by six (6) individual folded copies of the site plan, plus the required review fees. Regular meetings of the Planning Commission are held on the first Tuesday of each month at 7:00 p.m. All meetings are held at the Lincoln Park City Hall, 1355 Southfield Road, Lincoln Park, Michigan 48146. Phone number (313) 386-1800; Fax (313) 386-2205.

Special Uses shall comply with the standards in Section 1262.08 of the Zoning Ordinance. Accordingly, a public hearing shall be held by the Planning Commission before a decision is made on any Special Use request. Furthermore, a site plan shall be required, which shall be prepared in accordance with Section 1294.01 of the Ordinance.

TO BE COMPLETED BY APPLICANT:

I (we) the undersigned do hereby respectfully request Special Use Review and provide the following information to assist in the review:

Applicant: Robert Tessmar

Mailing Address: 1869 Arthurs Way Rochester Hills, MI 48306

Email Address: rtessmar@gmail.com

Telephone: 248-3903626 Fax: _____

Property Owner(s) (if different from Applicant): Downriver Building Investors

Mailing Address: 33 Hiram Street Suite 102 Lake Orion, MI 48360

Telephone: 248-3903626 Fax: _____

Applicant's Legal Interest in Property: Owner

Location of Property: Street Address: 1612 & 1616 John A Papalas Drive

Nearest Cross Streets: Southfield & I75

Sidwell Number: 8245 003 15 0005 002

Property Description:

If part of a recorded plat, provide lot numbers and subdivision name. If not part of a recorded plat (i.e., "acreage parcel"), provide metes and bounds description. Attach separate sheets if necessary.

Property Size (Square Ft): 10,800 square feet (Acres): _____

Present Use of Property: General Warehouse

Proposed Use of Property: Medical Marijuana Facility

Existing Zoning (please check):

- | | |
|---|---|
| G SFRD Single Family Residential District | G RBD Regional Business District |
| G MFRD Multiple Family Residential District | G CBD Central Business District |
| G MHRD Mobile Home Park District | <input checked="" type="checkbox"/> G GID General Industrial District |
| G NBD Neighborhood Business District | G LID Light Industrial District |
| G MBD Municipal Business District | G CSD Community Service District |
| G PUD Planned Unit Development District | |

Please Complete the Following Chart:

Type of Development	Number of Units	Gross Floor Area	Number of Employees on Largest Shift
Detached Single Family			
Attached Residential			
Office			
Commercial		10,800	5-7
Industrial			
Other			

ATTACH THE FOLLOWING:

- Six (6) individually folded copies of the site plan, sealed by a registered architect, engineer, landscape architect or community planner.
- Proof of property ownership.
- A brief written description of the proposed use.

PLEASE NOTE: The applicant or a designated representative **MUST BE PRESENT** at all scheduled review meetings or the site plan may be tabled due to lack of representation.

APPLICANT'S ENDORSEMENT:

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 City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing, or approval of this application.

 Signature of Applicant 3-15-2016
Date

 Signature of Applicant Date

 Signature of Property Owner Authorizing this Application 3-15-2016.
Date

To be completed by City:

Date Submitted: _____ Fee Paid: _____

Received By: _____ Date of Public Hearing: _____

PLANNING COMMISSION ACTION (RECOMMENDATION)

To Approve: _____ To Deny: _____ Date of Action: _____

Reasons for Action Taken: _____

CITY COUNCIL ACTION

Approved: _____ Denied: _____ Date of Action: _____

Reasons for Action Taken: _____



DESIGNHAUS ARCHITECTURE

December 2, 2015

City Of Lincoln Park
Planning Commission
1355 Southfield Rd.
Lincoln Park, MI 48146

Re: Application for Site Plan, and Special Use Approval

Location: 1612 – 1616 John A Papalas Drive

Project: 1612 – 1616 John A. Papalas Drive

Parcel I.D. #: See attached

Legal Description: See attached

Zoning: GID - General Industrial District

Dear Sir or Madam,

Designhaus Architecture of Rochester has been retained by 'Downriver Building Investors', to develop drawings in order to pursue the approval of a Medical Marijuana facility. The proposed use will be located within an existing industrial office park in the GID zoning district. Per ordinance, the specific use is permitted as a special land use and is being applied for as such. The property is located at 1612 John A Papalas Dr, on the North side of the road. The actual leased space within the multi-tenant building is 10,800 Sq. Ft. The perimeter of the leased area is an existing CMU wall which runs floor to ceiling. The interior walls will be constructed of 6" metal wall studs and framing. Existing points on entry have been identified on the plan.

All provisions from City of Lincoln Park Zoning Ordinance, and more specifically section: **1260.08(b) – Rules of Construction Definitions**, will be followed and are noted on the attached site plan.

In particular, but not limited to – Hours of operation:

M-F 9AM – 9 PM, Sat 9AM – 6PM, and Sun 10AM – 6 PM

An estimated employee count anticipated is 5-7 employees. No company vehicles will be located on site. A separate security plan will be included, and will detail all proactive crime prevention, site, and employee security. Exterior lighting will be field inspected, and upgraded if necessary per ordinance. 24hr security monitoring will also be implemented. Necessary signage prohibiting loitering will be installed and maintained. No increased demand on utilities is anticipated, and no exterior site modifications are proposed at this time. Per code, no more than (5) five patients + (1) caregiver is permitted w/ (12) twelve Plants per persons, for a total of (72) sixty plants will be permitted on site.

Please review the included plans as we will be happy to discuss any comments or concerns at future meetings.

Sincerely
Designhaus Architecture

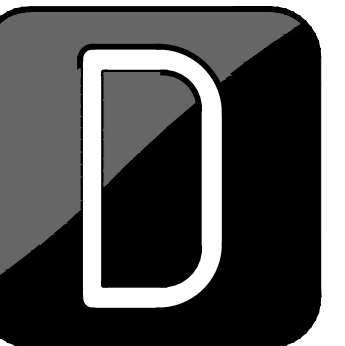
Signed,

Peter Stuhlreyer, Principal Architect

1612 John A. Papalas Dr.

Medical Marijuana Facility
 1612 John A Papalas Dr.
 Lincoln Park, MI 48146

DESIGNHAUS
 301 WALNUT BOULEVARD
 ROCHESTER, MI 48307
 T: 248.601.4422
 F: 248.453.5854
 WWW.DESIGNHAUS.COM



PROJECT TEAM

OWNER TBD ADDRESS T: F: C: CONTACT:	ARCHITECT DESIGNHAUS ARCHITECTURE 301 WALNUT BLVD. ROCHESTER, MI 48307 T: 248.601.4422 F: 248.453.5854 PROJECT MANAGER: JOE LATOZAS PROJECT ARCHITECT: PETER STUHLREYER, A.I.A
CIVIL ENGINEER TBD ADDRESS T: F: C: CONTACT:	MEP ENGINEER TBD ADDRESS T: F: C: CONTACT:
STRUCTURAL ENGINEER TBD ADDRESS T: F: C: CONTACT:	CONTRACTOR TBD ADDRESS T: F: C: CONTACT:

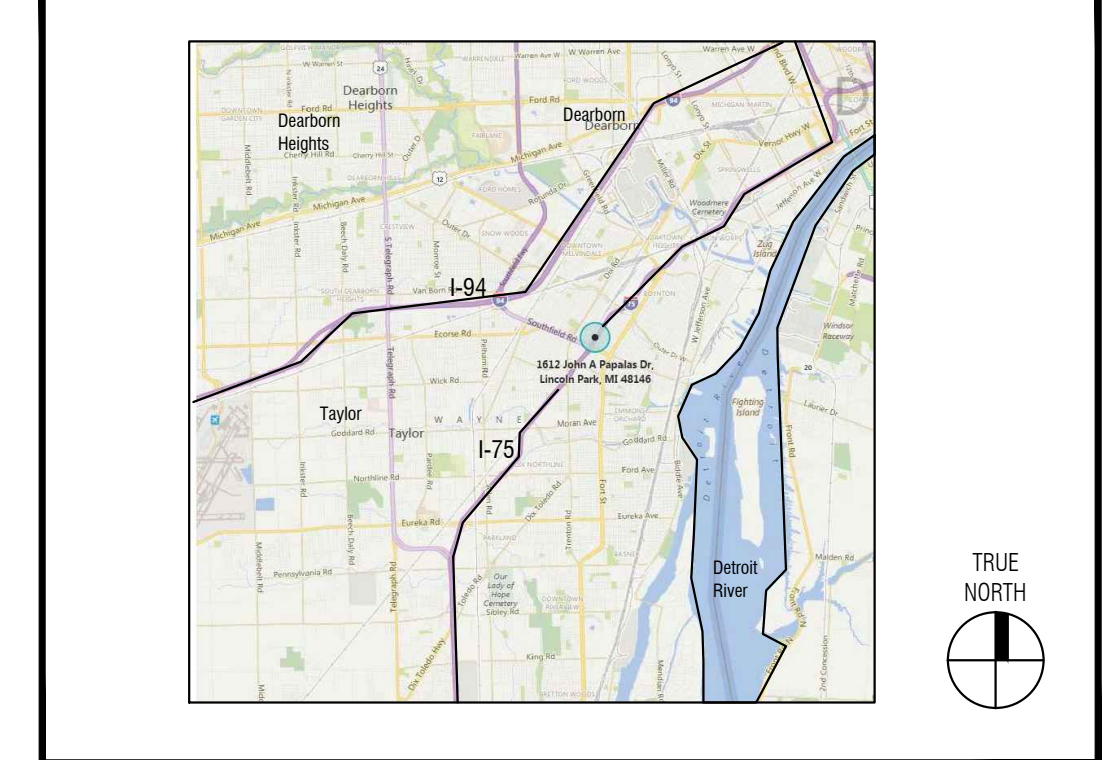
INDEX OF DRAWINGS

SHEET NO.	DRAWING NAME	STATUS
GENERAL G001	Title Sheet and Index	<input checked="" type="checkbox"/>
CIVIL		
LANDSCAPE S100	Site Plan	<input checked="" type="checkbox"/>
STRUCTURAL		
ARCHITECTURAL DEMOLITION		<input type="checkbox"/>
ARCHITECTURAL A100	Floor Plan	<input checked="" type="checkbox"/>

VICINITY MAP



LOCATION MAP

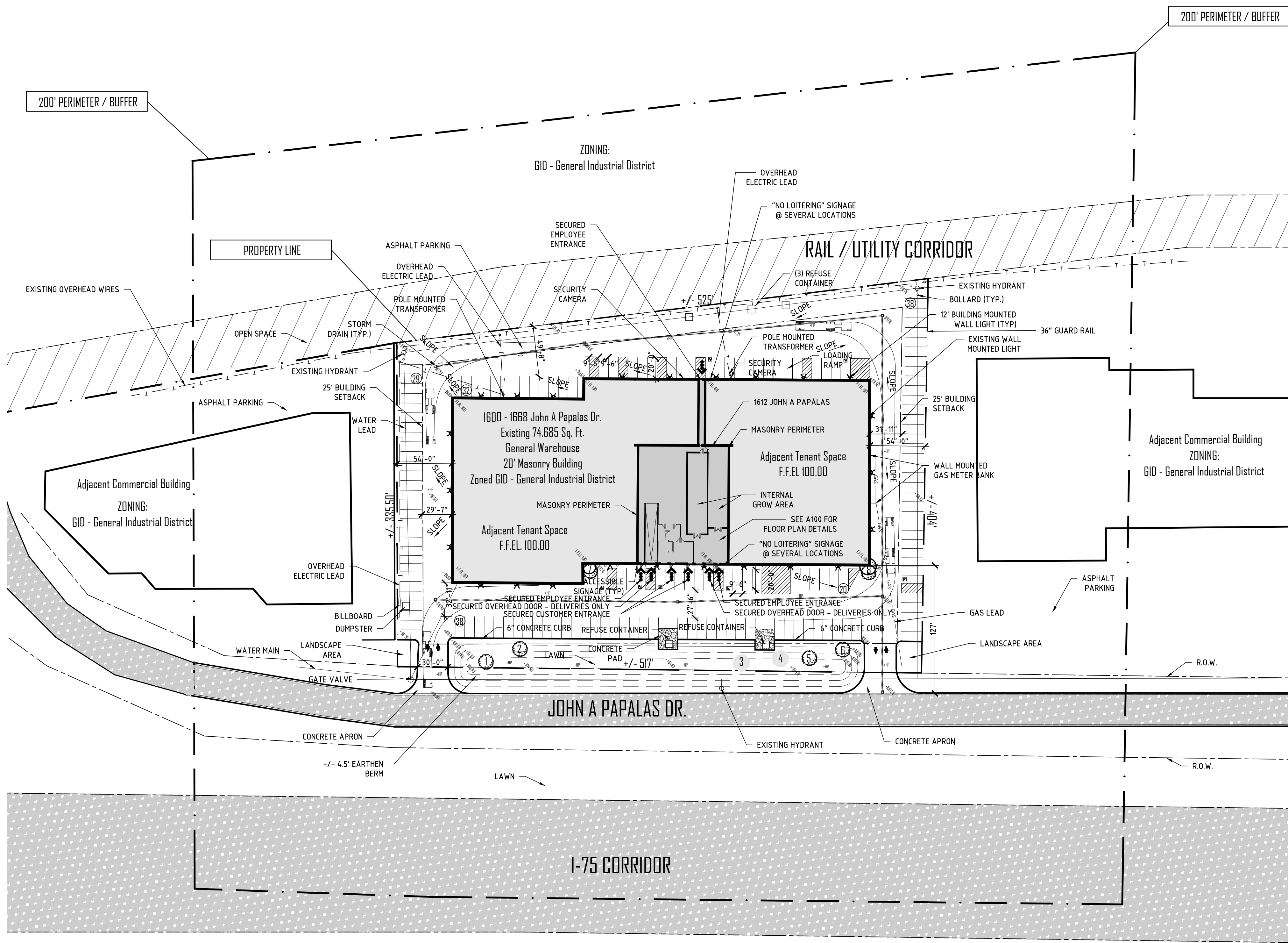


No.	Revision/Issue	Date
	Conceptual Plan Review	03.14.16

1612 John A. Papalas Dr.
 Medical Marijuana Facility
 1612 John A Papalas Dr.
 Lincoln Park, MI 48146

Title Sheet and Index

G001 015212



NOTE:
 NO EXTERIOR BUILDING MODIFICATIONS PROPOSED
 NO UTILITY MODIFICATIONS PROPOSED
 OWNER TO INSTALL AND MONITOR SECURITY SYSTEM
 MINIMAL PARKING DEMAND ANTICIPATED

1. A minimum setback of 200' from all homes or residentially zoned districts, adult regulated uses, schools, churches, child care facilities, parks, and drug-free zones
2. A state registered and local business registration and speciality license is required for all facilities and care givers. If the primary caregiver is not the owner of the permission then consent must be obtained in writing from the property owner to ensure the owners knowledge of the use.
3. Consumption of marijuana on the premises is prohibited.
4. The location from which a primary caregiver manufactures, stores, and distributes medical marijuana to a qualifying patient shall not be used by another caregiver for any purpose whatsoever.
5. No more than (5) patients per caregiver. Each patient shall be limited to: 2.5 ounces of usable marijuana (excludes seeds, stalks, and roots) and 12 marijuana plants kept in an enclosed, locked facility.
6. The facility shall be subject to local inspections to confirm compliance in accordance with applicable laws, including but not limited to, State Law and City Ordinances.
7. Hours of operation permitted: M-F 9:00 AM - 9:00 PM; Sat, 9:00 AM - 6:00 PM; Sunday: 10:00 AM - 6:00 PM
8. Minimum distance from similar uses: 200'
9. Drive-thru facilities prohibited.
10. Security: A security plan shall be submitted for review and approval by the Planning Commission.
11. A conspicuous sign(s) "No Loitering is permitted" shall be posted on such property
12. Exterior lighting required for security purposes, but in accordance with the provisions of the Zoning Ordinance.

NOTE:
 NO WATER COURSES EXIST ON SITE
 SITE NOT WITHIN FLOODPLAIN DISTRICT

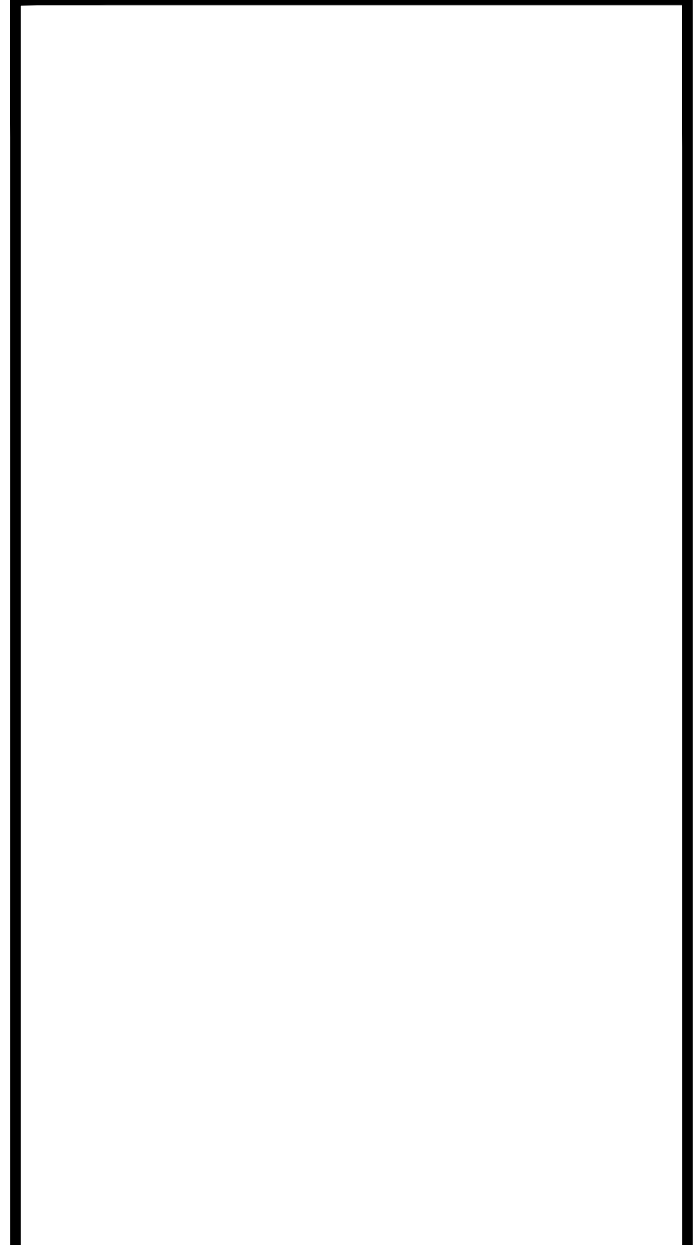
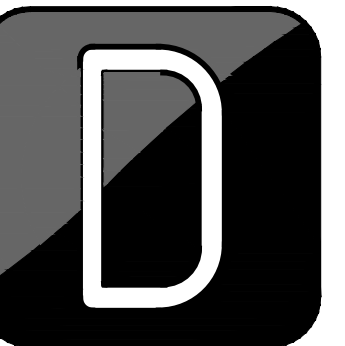
1 Site Plan
 1"=60'



1612 John A Papalas Dr.
 Proposed 10,800 Sq. Ft. Medical Marijuana Facility

DESIGNHAUS

301 WALNUT BOULEVARD
 ROCHESTER, MI 48307
 T: 248.601.4422
 F: 248.453.5854
 WWW.DESIGNHAUS.COM



No.	Revision/Issue	Date
	Conceptual Plan Review	03.14.16

1600 John A. Papalas Dr.
 Medical Marijuana Facility
 1612 John A Papalas Dr.
 Lincoln Park, MI 48146

Site Plan

S100
 015212

SITE DATA		EXISTING TREE INVENTORY				ZONING SCHEDULE OF REGULATIONS			PARKING SUMMARY			
Regulation	Information	#	SIZE	COMMON NAME	CONDITION	DISPOSITION	Regulation	Required	Provided	Regulation	Required	Provided
Parcel I.D.	# 8245-003-15-0005-002	1	9"	CRABAPPLE	GOOD	TO REMAIN	Setbacks	Front: 25' Sides: 25' / 50' Rear: 25'	81.25' Sides: 54.00' Rear: 57.00'	Parking	General Industrial - 1/500 Gross Floor Area	157 Parking Spots Provided including 6 Handicap Accessible
Address	1602 - 1688 John A Papalas Dr.	2	8"	CRABAPPLE	GOOD	TO REMAIN	Building Height	Maximum: 40'	20'			
Zoning	G.I.D. General Industrial District	3	24"	CRABAPPLE	GOOD	TO REMAIN	Lot Area	Minimum: 43,560 sq.ft.	182,496 sq.ft. (4.19 Acres)			
Parcel Area	(182,496 Sq.Ft.) 4.19 Acres	4	18"	PINE	GOOD	TO REMAIN	Coverage	75% Maximum	40.92% (74,685 Sq. Ft.)			
		5	18"	PINE	GOOD	TO REMAIN						
		6	24"	CRABAPPLE	GOOD	TO REMAIN						
		7	9"	CRABAPPLE	GOOD	TO REMAIN						
		8	10"	CRABAPPLE	GOOD	TO REMAIN						
		TOTAL TREES: 8										

1. A minimum setback of 200 feet from all homes or residentially zoned districts, adult regulated uses, schools, churches, child care facilities, parks, and drug-free zones.
2. A state registered and local business registration & specialty license is required for all facilities and primary caregivers. If the primary caregiver is not the owner of the premises then consent must be obtained in writing from the property owner to ensure the owner's knowledge of the use.
3. Consumption of marihuana on the premises is prohibited.
4. The location from which a primary caregiver manufactures, stores and distributes medical marihuana to a qualifying patient shall not be used by another primary caregiver for any purpose whatsoever.
5. No more than 5 patients per caregiver. Each patient shall be limited to: 2.5 ounces of usable marihuana (excludes seeds, stalks and roots) and 12 marihuana plants kept in an enclosed, locked facility.
6. The facility shall be subject to scheduled inspections to confirm compliance in accordance with applicable laws, including, but not limited to, State Law and City Ordinances.
7. Hours of operations permitted: M-F: 9:00 AM – 9:00 PM; Sat.: 9:00 AM-6:00 PM; Sunday: 10:00 AM- 6:00 PM
8. Minimum Distance from other similar uses: 200 feet
9. Drive-through facilities shall be prohibited.
10. Security: A security plan shall be submitted for review and approval by the Planning Commission.
11. A conspicuous sign(s) shall be posted stating that “No loitering is permitted” on such property.
12. Exterior lighting shall be required for security purposes, but in accordance with the provisions of the Zoning Ordinance.

ADOPTED: October 18, 2010
PUBLISHED: October 27, 2010
EFFECTIVE: November 3, 2010



Neil Rockind
Colin Daniels
Noel Erinjeri

Of Counsel

A. Vince Colella
Peter Joelson

28411 Northwestern Highway Suite 1150
Southfield, Michigan 48034

Tel 248.208.3800 Facsimile 248.208.3801
www.rockindlaw.com

Breanna Weiner
Paralegal

Robert Tessmar
1869 Arthur's Way
Rochester Hills, MI 48306

March 23, 2016

RE: Lincoln Park Medical Marijuana Ordinances

Dear Mr. Tessmar,

At your request, I have researched the issue of the City of Lincoln Park's medical marijuana ordinances, specifically focusing on the number of primary caregivers allowed in a given facility.

To begin with, Chapter 1260.08(b) of the Zoning Ordinance specifically defines "Medical Marijuana Facility" as:

A **facility** where primary **caregivers** who are legally registered by the Michigan Department of Community Health (MDCH) may lawfully assist qualifying patients who are also legally registered by the MDCH with the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, as amended. (emphasis added)

The use of "facility" (singular) and "caregivers" (plural) clearly indicate that the ordinance contemplates multiple primary caregivers in a single facility. Were it otherwise, the statute would read "a facility where a primary **caregiver** etc."

In light of the above, Chapter 1286.03(h)(4), which reads:

The location from which a primary caregiver manufactures, stores and distributes medical marihuana to a qualifying patient shall not be used by another primary caregiver for any purpose whatsoever.

should be interpreted to mean that the area within a facility accessible to one primary caregiver must not be used by another primary caregiver. Phrased another way, primary caregivers in the same facility must not have access to each other's grow areas.

If you have any questions, please call me at 248-208-3800 or email noel@rockindlaw.com.

Sincerely,

Noel Erinjeri
Associate Attorney
Rockind Law



CITY OF LINCOLN PARK
COUNTY OF WAYNE, MICHIGAN
PLANNING COMMISSION RESOLUTION

RESOLUTION TO REQUEST A FORMAL LEGAL OPINION
REGARDING THE NUMBER OF CAREGIVERS PERMITTED PER MEDICAL MARIHUANA FACILITY
BY CITY OF LINCOLN PARK ORDINANCE

WHEREAS, the City of Lincoln Park permits Medical Marihuana Facilities pursuant to Resolution 2010-268A of 2010; and

WHEREAS, such facilities are regulated by Section 1286.03(h) of the Lincoln Park Zoning Code; and

WHEREAS, an application has been submitted to establish a Medical Marihuana Facility at 1600 John A Papalas Drive; and

WHEREAS, subsection 1286(h)(4) of the Lincoln Park Zoning Code states, "The location from which a primary caregiver manufactures, stores, and distributes medical marihuana to a qualifying patient shall not be used by another primary caregiver for any purpose whatsoever"; and

WHEREAS, the applicant's legal representation has submitted a letter to the City of Lincoln Park asserting that in the definition of Medical Marihuana Facility in 1260.08(b) of the Lincoln Park Zoning Code, the combination of the words "facility" (singular) and "caregivers" (plural) "clearly indicates that the ordinance contemplates multiple primary caregivers at the same facility; and

WHEREAS, the letter further states that subsection 1286(h)(4) "should be interpreted to mean that the area within a facility accessible to one primary caregiver must not be used by another primary caregiver"; and

WHEREAS, the determination of the correct reading is a legal matter under the purview of the Lincoln Park City Attorney;

THEREFORE BE IT HEREBY RESOLVED AS FOLLOWS:

THE CITY OF LINCOLN PARK PLANNING COMMISSION REQUESTS THE LINCOLN PARK CITY ATTORNEY'S OFFICE TO SUPPLY A FORMAL LEGAL OPINION REGARDING THE NUMBER OF CAREGIVERS PERMITTED PER MEDICAL MARIHUANA FACILITY BY CITY OF LINCOLN PARK ORDINANCE.

Motion by: _____

Seconded by: _____