



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

Wednesday, April 13, 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**
- VIII. Reports from Departments and Other Boards and Commissions**
 - A. Training scholarship opportunity**
 - B. Planning website**
- 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. Kissel 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



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 Stuhlfreyer, Principal Architect

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: _____



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

FW: Special Use Application 1612 & 1616 John A Papalas Lincoln Park

Matthew Coppler <MCoppler@citylp.com>

Tue 3/29/2016 2:14 PM

To: Leah DuMouchel <ldumouchel@bria2.com>;

Leah,

Here is the feedback I received from the City Attorney's Office on the subject email.

Let me know if you need any further clarification.

Matthew W. Coppler
City Manager
Lincoln Park
(313) 386-1800 Ext. 1230
Web: www.citylp.com

Confidential: This message is intended exclusively for the individual to whom it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail or phone and delete the email and attachments immediately.

From: halkowitzhiggins@comcast.net [mailto:halkowitzhiggins@comcast.net]
Sent: Monday, March 28, 2016 5:52 PM
To: Matthew Coppler
Cc: Zelenak, Ed
Subject: Re: Special Use Application 1612 & 1616 John A Papalas Lincoln Park

Hello Matt,

My reading is one caregiver per location/facility as well.

Amy Marie Higgins
Assistant City Attorney
[City of Lincoln Park, Michigan](http://www.cityoflincolnpark.com)
Phone: 313-605-7594
Fax: 313-386-7778

From: "Matthew Coppler" <MCoppler@citylp.com>
To: edzelenak@comcast.net, "Amy Marie Higgins (halkowitzhiggins@comcast.net)" <halkowitzhiggins@comcast.net>
Sent: Monday, March 28, 2016 4:44:54 PM
Subject: FW: Special Use Application 1612 & 1616 John A Papalas Lincoln Park

Ed and Amy,

I spoke with our planner today about the attached correspondence. I wanted you to weigh in on the subject so I can give direction to Leah.

Thank you.

Matthew W. Coppler
City Manager
Lincoln Park
(313) 386-1800 Ext. 1230
Web: www.citylp.com

Confidential: This message is intended exclusively for the individual to whom it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail or phone and delete the email and attachments immediately.

From: Leah DuMouchel [<mailto:ldumouchel@bria2.com>]
Sent: Monday, March 28, 2016 4:41 PM
To: Matthew Coppler
Subject: Fw: Special Use Application 1612 & 1616 John A Papalas Lincoln Park

Letter from Mr. Tessmar's attorney attached. Thanks again for the meeting today!

Take care,
Leah

Leah DuMouchel, AICP
Associate

Beckett&Raeder, Inc.

Making Great Places for over 50 Years

535 West William St Suite 101
Ann Arbor, MI 734.663.2622
Direct Line: 734.239.6616

Petoskey, MI 231.347.2523
Traverse City, MI 231.933.8400

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



American Planning Association
Michigan Chapter

Making Great Communities Happen

~~2015~~ 2016

Elected and Appointed Officials Scholarship Application

COMMUNITY PLANNERS MEMORIAL SCHOLARSHIP PROGRAM

Incomplete applications or those missing required materials will not be considered for award.

Email completed application to info@planningmi.org or mail to MAP, 1919 W. Stadium Blvd., Ste. 4, Ann Arbor, MI 48103.

Application Deadline: Postmarked by ~~May 7, 2015~~. May 6, 2016

The Elected and Appointed Officials Scholarship Program was created to address the educational and training needs of local decision makers. Far too often, due to budget limitations, insufficient knowledge about the long term consequences of local land use decisions, and time constraints, communities are often left without adequate information and resources to make local decisions based on sound planning principles. Therefore, MAP is offering scholarship opportunities that will provide communities with the resources to fill this unmet need.

Scholarship recipients can select from a variety of MAP services, including workshops, books and publications, or even choose to apply the value of your scholarship toward the MAP annual conference. Scholarship values range from \$500 to \$1,500 per community, to be applied to the training and resources that you've identified would meet your community's unique training and information needs.

Please select those services provided by MAP that can best prepare your community to make better local land use decisions.

- Basic Training Workshop for Planning and Zoning Officials
- Apply scholarship toward MAP Annual Conference
- Local Officials Academy: Advanced Training for Local Officials
- Spring Institute: Professional level training, various topics
- On Site Workshop: MAP provides the instructor and handout materials, and comes to your community
- Site Plan Review Workshop
- Advanced Zoning Board of Appeals

Municipality _____

Contact Person _____

Address _____
Street City State Zip Code

Phone Number _____ **E-mail Address** _____

County in which your community is located _____

Municipality Type

_____ **City** _____ **Village** _____ **Township** _____ **County**

Membership with the Michigan Association of Planning, a chapter of the American Planning Association, is required at time of application. Contact MAP office at (734) 913-2000 or via e-mail at info@planningmi.org to determine membership status or to join.

Membership Number _____

AUTHORIZED SIGNATURE _____ **DATE** _____

ELIGIBILITY CRITERIA

1. Membership in good standing with the Michigan Association of Planning
2. Elected official, planning commissioner, or zoning board of appeals member in Michigan (staff/employees not eligible for the scholarship)

STATEMENT OF FINANCIAL NEED

1. Does your community have a budget for continuing education for local elected and appointed officials?
2. If yes, what is your budget?
3. If your budget was eliminated or reduced, when did this occur?

HISTORY OF CONTINUING EDUCATION TRAINING

1. When was the last time your board or commission received training?

2. What specific training did you receive?

3. From what sources do you receive training?

_____ *Michigan Planner Magazine* _____ Books _____ Online
_____ Workshops _____ Conferences _____ Other *please describe:*

4. From whom did you receive your training?

_____ MAP _____ MML _____ MTA
_____ MSUE Citizen Planner _____ County _____ Other *please describe:*

ESSAY: Submit a typewritten statement (1" margins, double-spaced, 12 pt. Times New Roman Font) of not more than one page in length addressing the following questions

1. Describe current land use and planning issues facing your community.
2. In what specific instances has your community found itself ill-equipped to address the above identified land use issues?
3. From the list of services provided on the previous page, please describe which option (s) you would find most beneficial to your community, and why.