

## 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.

## PLANNING COMMISSION

A Regular Meeting of the Lincoln Park Planning Commission was called to order on February 10<sup>th</sup> 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

## <u>ADJOURNMENT</u>

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 Stuhlrever, Principal Architect

301 WALNUT, ROCHESTER, MI 48307 | PHONE: 248-601-4422 | FAX: 248-543-5854

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 public hearing shall be held by the Planning Commission before a decision is made on any Special Uses. 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
The state of the s

City of Lincoln Park Special Use Application Page 2 of 2

Existing	Zoning	(please	check	١-
DISTOURIES.	20111115	(hicase	CHUCK	Į,

- G SFRD Single Family Residential District
- G MFRD Multiple Family Residential District
- G MHRD Mobile Home Park District
- G NBD Neighborhood Business District
- G MBD Municipal Business District
- G PUD Planned Unit Development District
- G RBD Regional Business District
- G CBD Central Business District
- G GID General Industrial District
  - G LID Light Industrial District
  - G CSD Community Service 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			A STATE OF THE STA
Office			
Commercial		10,800	5-7
Industrial		10,000	3-1
Other			

## ATTACH THE FOLLOWING:

- 1. Six (6) individually folded copies of the site plan, sealed by a registered architect, engineer, landscape architect or community planner.
- 2. Proof of property ownership.
- 3. 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.

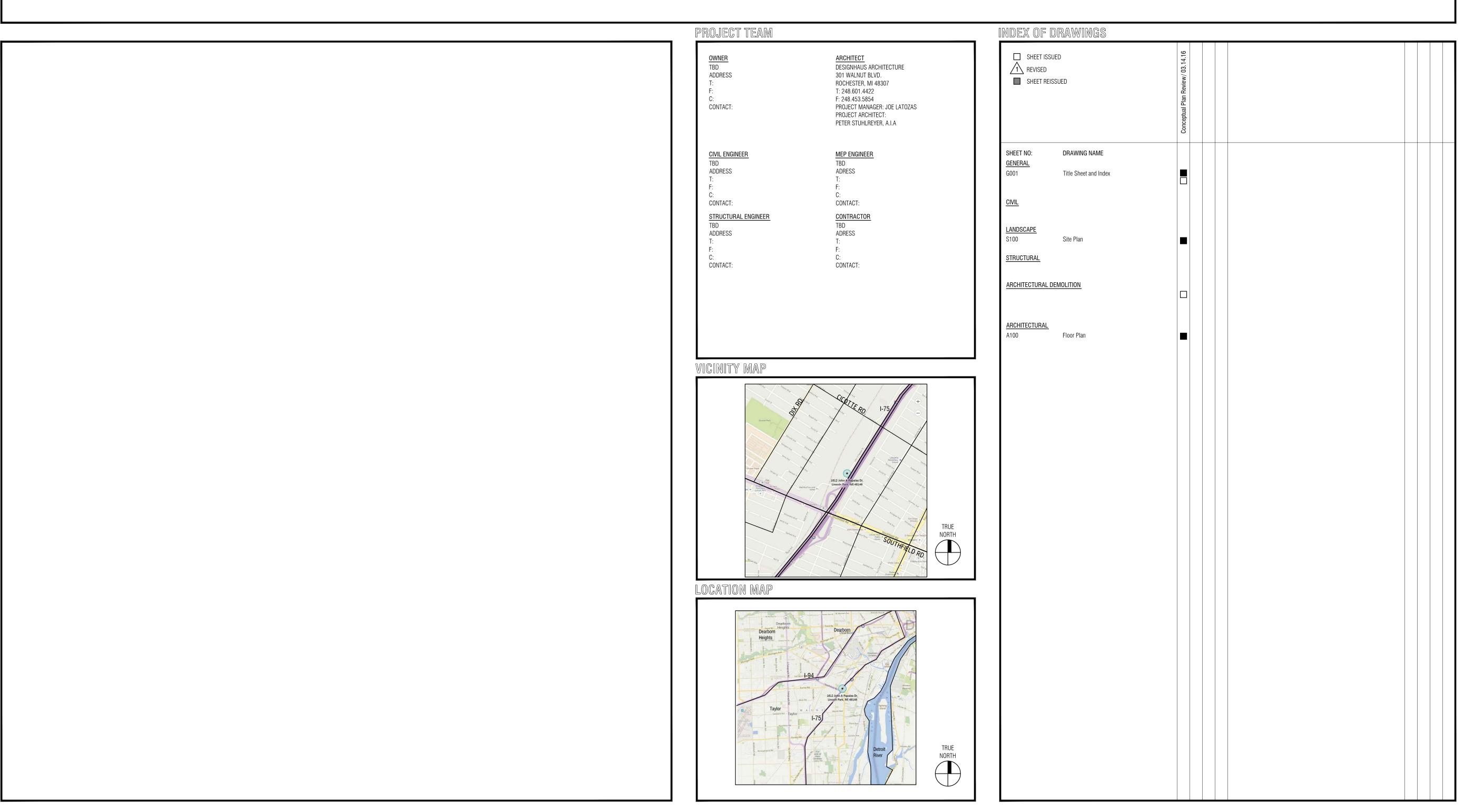
## APPLICANT'S ENDORSEMENT:

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.

MIN	enantis that may arise	as a result of acceptance	3 - 15 - 2006
Signature of Applic	cant		Date
Signature of Application Signature of Proper	/	g this Application	Date 3-15-2016.
To be completed by (			
Date Submitted:	Fee Paid:		
		blic Hearing:	
		ECOMMENDATION)	
To Approve:	To Deny:	Date of Action:	
Reasons for Action T	aken:		
CITY COUNCIL A			
Approved:	Denied:	Date of Action:	
Reasons for Action T			

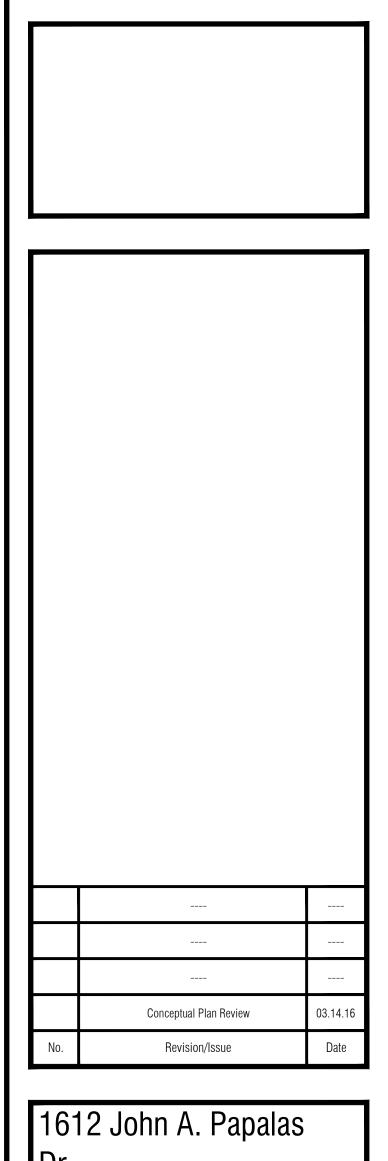
# 1612 John A. Papalas Dr.

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



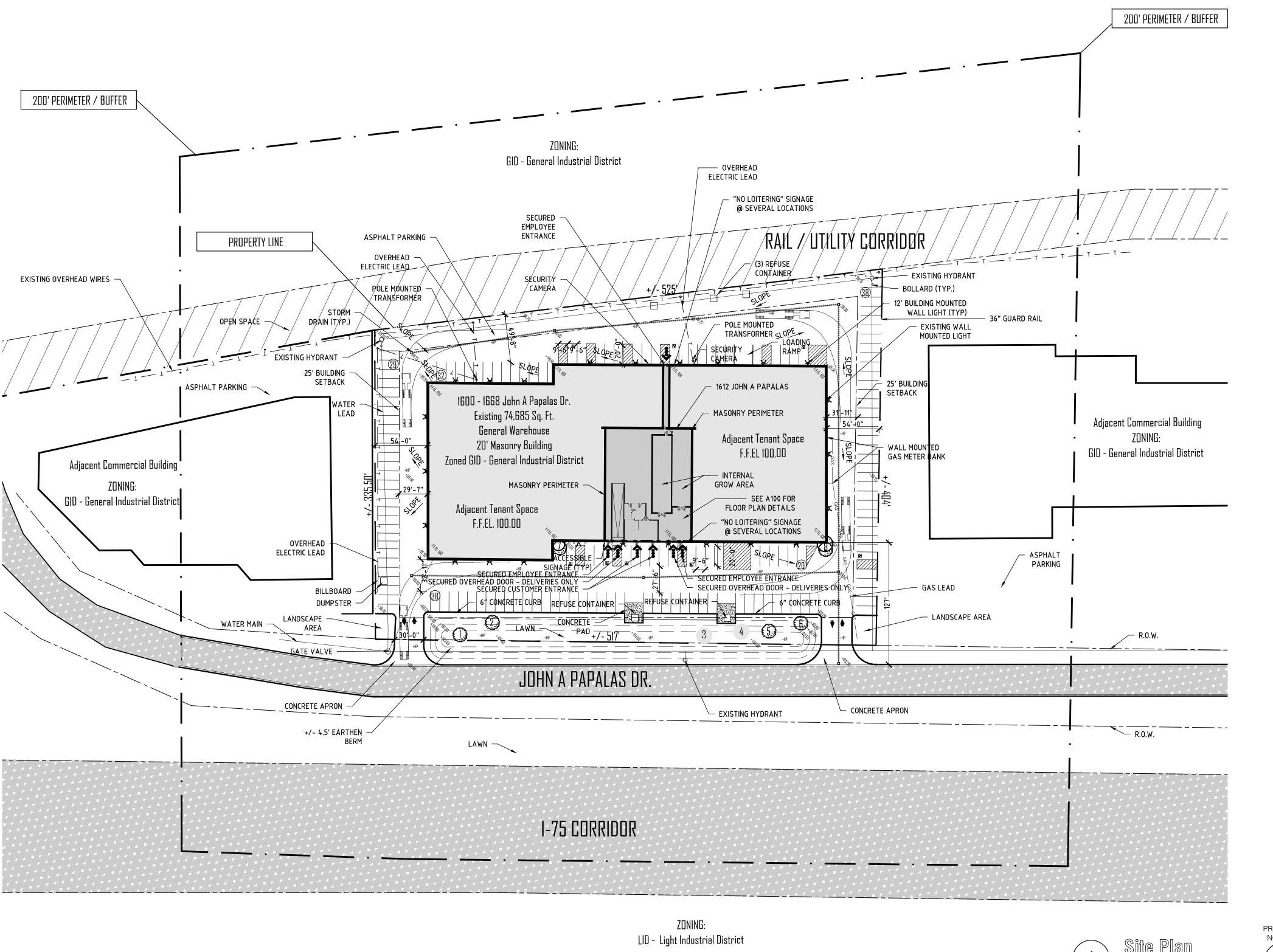
1612 John A. Papalas
Dr.
Medical Marijuana Facility
1612 John A Papalas Dr.
Lincoln Park, MI 48146

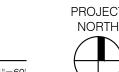
Title Sheet and Index

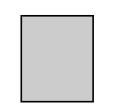
G001

015212

NO WATER COURSES EXIST ON SITE SITE NOT WITHIN FLOODPLAIN DISTRICT







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

### SITE DATA ZONING SCHEDULE OF REGULATIONS EXISTING TREE INVENTORY PARKING SUMMARY COMMON NAME DISPOSITION Required Provided CONDITION Regulation Required Regulation Provided Front: 81.25' Sides: 54.00' Front: 25' Sides: 25' / 50' CRABAPPLE GOOD TO REMAIN Setbacks Regulation Information 157 Parking Spots General Industrial -CRABAPPLE GOOD TO REMAIN Parking Provided including 6 1/500 Gross Floor Area Maximum: 40' Building Height # 8245-003-15-0005-002 Parcel I.D. GOOD TO REMAIN CRABAPPLE 24" Handicap Accessible GOOD PINE TO REMAIN 18" 74,685 / 500 = 150 Spaces 1602 - 1688 John A Papalas Dr. Address Lot Area Minimum: 43,560 sq.ft. 182,496 sq.ft. (4.19 Acres) GOOD TO REMAIN 18" PINE GOOD CRABAPPLE TO REMAIN 24" G.I.D. General Industrial District 75% Maximum 40.92% (74,685 Sq. Ft.) Zoning Coverage GOOD CRABAPPLE TO REMAIN (182,496 Sq.Ft.) 4.19 Acres CRABAPPLE GOOD TO REMAIN Parcel Area 10" TOTAL TREES: 8

## 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's, 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 fro 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 Ordnance.

1600 John A. Papalas Dr.

Conceptual Plan Review

Revision/Issue

DESIGNHAUS

301 WALNUT BOULEVARD

ROCHESTER, MI 48307

T:248.601.4422

F:248.453.5854

WWW.DESIGNHAUS.COM

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

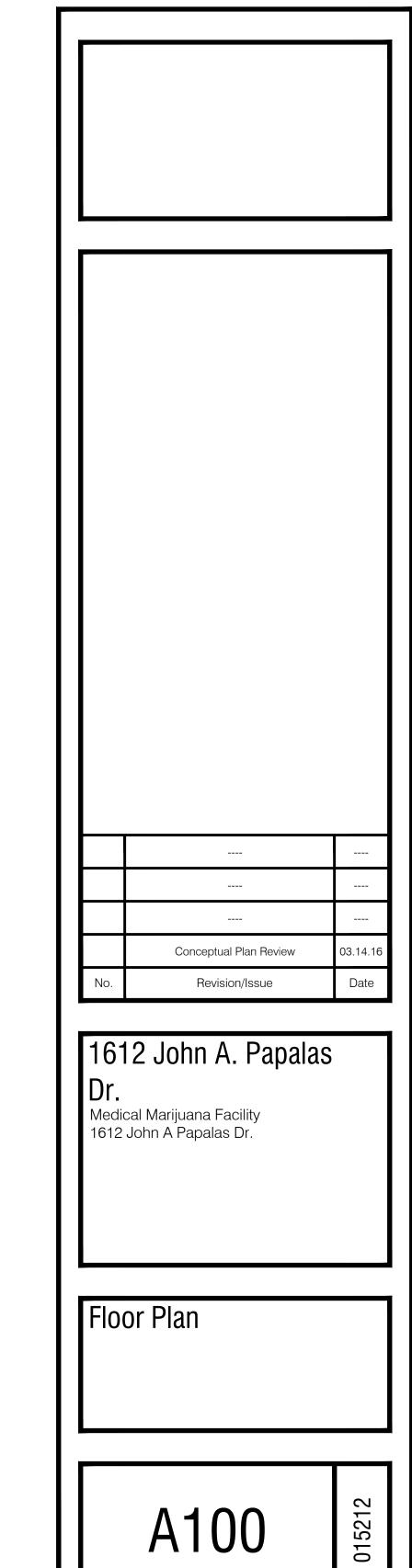
Site Plan

S100

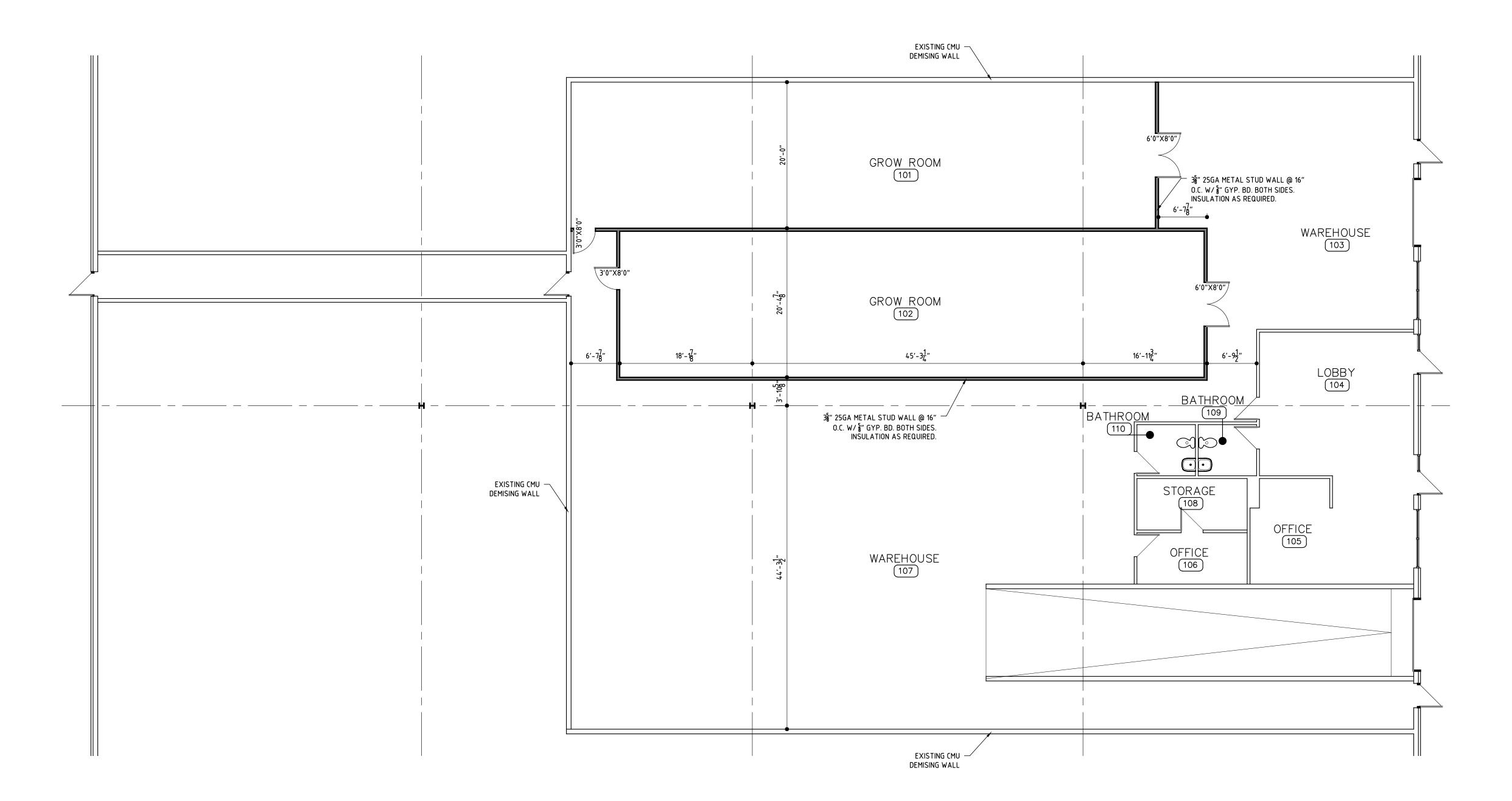
015212

# DESIGNHAUS

301 WALNUT BOULEVARD ROCHESTER, MI 48307 T:248.601.4422 F:248.453.5854



A100



Neil Rockind Colin Daniels Noel Erinjeri

of Counsel A. Vince Colella Peter Joelson

## RIPOCKIND AVV

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 <u>facility</u> where primary <u>caregivers</u> 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 <u>a</u> primary <u>caregiver</u> 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.citvlp.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

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.citvlp.com

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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

## Elected and Appointed Officials Scholarship Application

**2015** 2016

Making Great Communities Happen

## COMMUNITY PLANNERS MEMORIAL SCHOLARSHIP PROGRAM

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

Email completed application to <a href="mailto:info@planningmi.org">info@planningmi.org</a> or mail to MAP, 1919 W. Stadium Blvd., Ste. 4, Ann Arbor, MI 48103.

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

Basic Training Workshop for Planning and Zoning Officials

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.

		larship toward MAP An		1-		
			d Training for Local Officia	IIS		
	Spring Institute: Professional level training, various topics On Site Workshop: MAP provides the instructor and handout materials, and comes to your community					
		Leview Workshop	and monactor and manager	i materiale, and comes to	your community	
		Zoning Board of Appea	ls			
Munic	ipality					_
Conta	ct Person _					
Addre	ss					_
AddressStreet		City	State	Zip Code		
Phone	Number		E-mail Address _			
Count	y in which y	our community is loc	ated			_
Munic	ipality Type					
	_City	Village	Township	County		
time of		Contact MAP office at	n of Planning, a chapter of (734) 913-2000 or via e-ma			а
Memb	ership Num	ber				
AUTH	ORIZED SIG	NATURF		DA	TE	

## **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 cont	inuing education for local e	elected and appointed officials?	
2.	If yes, what is your budget?			
3.	If your budget was eliminated or reduced, who	en did this occur?		
HIS	STORY OF CONTINUING EDUCATION TRAIL	NING		
1.	When was the last time your board or commis	ssion 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:	
	SAY: Submit a typewritten statement (1" marg page in length addressing the following quest		Times New Roman Font) of not more that	ar
1.	Describe current land use and planning issue	s 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.