



**CITY OF WALLED LAKE  
PLANNING COMMISSION  
TUESDAY, APRIL 9, 2019**

The Meeting was called to order at 7:30 p.m.

**ROLL CALL:** Hecht, Novak, Owsinek, Palmer, Whitt, Wolfson

**ABSENT:** O'Rourke

**OTHERS PRESENT:** Recording Secretary Pesta, City Attorney Vanerian

**PC 04-01-19 MOTION TO ELECT COMMISSIONER WOLFSON AS  
TEMPORARY CHAIRMAN**

Motion by Palmer, seconded by Whitt, CARRIED UNANIMOUSLY: To elect Commissioner Wolfson as temporary chairman.

**PC 04-02-19 MOTION TO EXCUSE COMMISSIONER O'ROURKE FROM  
TONIGHT'S MEETING**

Motion by Palmer, seconded by Owsinek, CARRIED UNANIMOUSLY: To excuse Commissioner O'Rourke from tonight's meeting.

**REQUESTS FOR AGENDA CHANGES:** None

**APPROVAL OF MINUTES:**

**PC 04-03-19 APPROVAL OF THE JANUARY 8, 2019 PLANNING  
COMMISSION MEETING MINUTES**

Motion by Hecht, seconded by Palmer, CARRIED UNANIMOUSLY: To approve the January 8, 2019 Planning Commission minutes.

**COMMUNICATION:** None

**AUDIENCE PARTICIPATION:** None

**ATTORNEY'S REPORT:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

1. Memo- Reschedule of May 14, 2019 meeting until May 28, 2019

**PC 04-04-19                    MOTION TO RESCHEDULE OF MAY 14, 2019 MEETING UNTIL  
MAY 28, 2019**

Motion by Whitt, seconded by Palmer, CARRIED UNANIMOUSLY: To approve the rescheduling of May 14, 2019 meeting until May 28, 2019

## Discussion

Deputy Clerk Pesta explained there are a few applications in that city administration needs a little more time to review and so the applicants do not have to wait an additional month for their case.

Vice Chairman Hecht asked what are the applications for?

Deputy Clerk Pesta said Beachwood PUD has a site plan to present to the planning commission. The other applicant is from Apex Ultra, who is presenting a site plan to build on the vacant lot off of Maple Road.

City Attorney Vanerian explained it is for a provisioning center. He explained the process and city ordinances. Mr. Vanerian said the City did adopt an amendment to the city zoning ordinance about a year ago that allows certain number, very limited number of facilities in various zoning jurisdictions within the city. He explained a total of three provisioning centers that were authorized one in the C-3, that has been approved and that is already up and running and, two in the C-2 district. He said the one coming to the commission in May is for a provisioning center in the C-2 district.

Mr. Vanerian explained the way the zoning ordinance works lay out very specific regulations and criteria that are specific to medical marijuana facilities. Mr. Vanerian said to keep in mind and what the commission is going to be asked to do, just review and approve a site plan, same as you would for any other site plan. It is not a special land use approval and the importance in that difference is that the commission does not have any discretionary authority regarding whether or not to approve the use. Mr. Vanerian explained the use by ordinance is a principal permitted use so, the use is already approved. Mr. Vanerian said this is not a special land use, so the commission does not have any discretionary authority over the use itself it is a principal permitted use. All the commission is going to look at is the facility and whether or not the facility meets the criteria and that it applies under the zoning ordinance. Mr. Vanerian said these marijuana facilities tend to be nurseries for lawsuits and the city already has one and we do not want anymore. He said it is very important when one of these facilities comes before the commission if you feel inclined not to approve it or make a motion not to approve it, it is very important that you identify and articulate on the record the requirements in the ordinance itself that apply and you also articulate that they have not met that specific requirement and one has to be careful and be very clear about that when you make that type of motion. Mr. Vanerian said

because there is always a potential for litigation and the minutes from what you did are going to be an important part of that. Mr. Vanerian said the purpose for provisioning centers you will only be asked to review and act upon a provisioning center if its new construction is involved and the one we expect to have in May involves new construction and the applicant is looking to develop a vacant parcel of land. He said under the ordinances there are certain priority criteria that apply for instance if someone is proposing to bring sewer and water service to a parcel of land that was not currently served by water and sewer that is a first level priority under our ordinances that facility would be entitled to.

Mr. Vanerian further explained if an applicant is proposing to tap into city water and/or sewer that is part of their proposal they are required to pay the tap fees then that entitles them to a high level of priority under our ordinances. He said in our ordinances that type of facility is going to get a higher priority as compared to a provisioning center that is not proposing to or that is coming to an existing building that has water and sewer already and not making a lot of changes to the building itself. He said the commission needs to be mindful of all these things. He said the only time the commission is going to be asked to review a proposal for a provisioning center which is sort of the retail, it is like a liquor store, but they sell marijuana instead of liquor. The applicant is required to be licensed from the state, the applicants have to go under a rigorous state review and process and by the time they come to you the applicants would already been approved by the State. The applicants meet the requirements under the State law once they come to the commission. He explained then there are State law requirements on the facility itself. He explained the applicant has to be approved by the State and if the applicant does not get approved by the State then they cannot open even if the City approves them. He said there are a lot of checks and balances there and a lot of work that and review has been done. He explained the other types of facilities that will come before the commission are the ones that are being proposed in the industrial district like, the grows or safety compliance facilities. He said anytime an applicant is proposing a new building or an industrial type facility those proposals will be heard before the commission.

Commissioner Palmer asked about controls on hours of operations.

City Attorney Vanerian explained that is limited and regulated by ordinance and the commission does not have to worry about that.

Vice Chairman Hecht asked if anyone from the planning commission can be sued.

City Attorney Vanerian said the claims would have to be really egregious conduct.

Commissioner Whitt said they are more than capable of doing that, they did it in the last lawsuit. They made stuff up and put it in the lawsuit. Mr. Whitt gave an example of some of his good friend have put it on Facebook about the lawsuit and pre discussion it never happened. I never met with anybody, I am a defendant, and I never met with anyone prior to issuing a license. He explained the person who got the business license was license by the State when he got it, he had been pre-licensed by us for a couple year. They made up all this stuff and claimed all kinds of improprieties and none of that happened, it just did not happen. Mr. Whitt explained no one has seen him out with anyone, there was no back-room deal, no smoked filled backrooms. He said

but they still alleged it and if you do not know and you want to take it somewhere, it sounds pretty nasty and that is why they are being sued back. He said some of the people who are peddling that are also going to be sued and are going to be called in and going to get their Facebook pages we are going to get all the stuff we can. As a member here if you go out and have a discussion with anybody about it, they will bring you in because they believe that is leverage. You can be brought in if you say the wrong thing. Mr. Whitt said the lawyer gave the commission good advice deal with it strictly on the code and ordinances.

Mr. Whitt said one license has been issued and it was issued by the city and it was a business license, we do not issue marijuana licenses. He said it was issued to the Green House and they were up and running under the old law and under the old ordinances the city had Green House deferred opening, they could have, they deferred because they did not want to run the risk with of getting in a match with the Sheriff's office. He said the Sheriff said he does not recognize dispensaries, that is now called a provisioning center. He said the Sheriff refused to recognize the city's ordinance but say it is against federal level. The bottom line is the guy that got the license was approved by the state he was not open until later because he did not have the product. He said when you vote, vote for the right reason and make sure it is a zoning issue the commission is voting on. He said the city has been on the right side of history and the people of Michigan voted on this in 2008 and 70% of the people came out in Walled Lake and out of the 70% that turned out over 70% of those people voted for medical marijuana.

#### COMMISSIONERS COMMENTS:

Chairman Hecht asked for an update on the old community education center property.

Commissioner Whitt said the city is prepared to develop it. He said the school still owns it and has hired a realtor to sell the property.

Commissioner Palmer asked if there is a way to provide minutes to people to stop the lies on Facebook? He said he wants to stop the lies.

Commissioner Whitt said no matter what you do they just make stuff up, the whole Facebook thing is a cesspool, Twitter is a cesspool. He said you cannot stop it. He explained the proof we have are the recordings and the additional proof are the minutes that are approved.

#### PC 04-05-19            ADJOURNMENT

Motion by Whitt, seconded by Novak, CARRIED UNANIMOUSLY: To adjourn the meeting at 8:15 p.m.



Chelsea Pesta  
Deputy City Clerk



Neal Wolfson  
Commissioner



# CITY OF WALLED LAKE

## POLICE DEPARTMENT



1499 East West Maple Road  
Walled Lake, Michigan 48390

Dispatch: (248) 624-3111 • Administration: (248) 624-3120 • Fax: (248) 960-8898  
[www.walledlake.com](http://www.walledlake.com)

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May 24, 2019

To: Walled Lake Planning Commission

From: Detective Lariviere

Subject: Apex Ultra Worldwide LLC prequalification status

Section 21.50(j) of the City's zoning ordinance requires state pre-qualification of a marijuana facility applicant prior to granting site plan approval for an applicant's proposed marijuana facility. The State of Michigan approved pre-qualification status of the applicant Apex Ultra Worldwide LLC on 03/21/2019. A copy of the state documentation confirming pre-qualification status of the applicant is attached for your reference.





GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

VIA US MAIL

Date: March 21, 2019

Addressee: Apex Ultra Worldwide, LLC

Address: 2101 W. Willow Street  
Lansing, MI 48917

RE: Prequalification status for your pending application

Dear Applicant:

The Medical Marijuana Licensing Board considered your partial application for prequalification status on March 21, 2019 and determined that you have prequalification status pursuant to the licensing provisions of the Medical Marijuana Facilities Licensing Act (MMFLA) and Administrative Rule 5 (R 333.205). This letter may be provided to a municipality as documentation of your prequalification status. Please note that this is a pending status until all application requirements in Administrative Rule 7 (R 333.207) are completed. A state operating license for a marijuana facility cannot be issued at this stage of the application. During final application review, the board will consider all information relevant to eligibility including information that has been newly acquired or information that is newly apparent since determination of prequalification status.

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

Mailing Address:  
Department of Licensing & Regulatory Affairs  
Bureau of Marijuana Regulation  
Marijuana Facility Licensing  
P.O. Box. 30205  
Lansing, MI 48909

In Person:  
Department of Licensing & Regulatory Affairs  
Bureau of Marijuana Regulation  
Marijuana Facility Licensing  
2407 North Grand River  
Lansing, MI 48906

Sincerely,

Andrew Brisbo, Director  
Bureau of Marijuana Regulation  
Michigan Department of Licensing and Regulatory Affairs

RECEIVED  
MAR 25 2019  
THE CITY OF WALLED LAKE

# **EXHIBIT C**

**Proof of Ownership, Purchase Agreement, Lease, or options for the site where the Medical  
Marihuana Facility will be operated.**

OAKLAND COUNTY TREASURERS CERTIFICATE  
I HEREBY CERTIFY that there are no TAX LIENS or TITLES held by the state or any individual against the within description and all TAXES on same are paid for five years previous to the date of this instrument as appears by the records in the office except as stated.  
Reviewed By: AA

Nov 05, 2018

5.00 E-FILE

Sec. 135, Act 206, 1893 as amended  
ANDREW E. MEISNER, County Treasurer

Not Examined

LIBER 52328 PAGE 431  
\$21.00 DEED - COMBINED  
\$4.00 REMONUMENTATION  
\$5.00 AUTOMATION  
\$5,590.00 TRANSFER TX COMBINED  
11/05/2018 05:12:46 PM RECEIPT# 125971  
PAID RECORDED - Oakland County, MI  
Lisa Brown, Clerk/Register of Deeds

STATE OF MICHIGAN



REAL ESTATE TRANSFER TAX

OAKLAND  
11/05/2018  
125971

\$715.00 CO  
\$4,875.00 ST  
001187560



Warranty Deed - Statutory Form  
C.L. 1948, 565.151 M.S.A. 26571

A0733932

KNOW ALL MEN BY THESE PRESENTS: That Lakeside Oakland Development, L.C., Michigan Limited Liability Company, whose street number and post office address is 30295 Embassy Dr., Beverly Hills, MI 48025 convey(s) and warrant(s) to APEX Ultra Worldwide, LLC, a Michigan Limited Liability Company, whose street number address is 1607 E. Lake Dr., Novi, MI 48377 the following described premises:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Commonly known as: E West Maple, Walled Lake, MI 48390, Vacant Decker Road, Walled Lake, MI 48390 and Vacant, Commerce Township, Commerce Township, MI 48390

for the full consideration of Six Hundred Fifty Thousand And No/100 Dollars (\$650,000.00).

Subject to easements, reservations, restrictions and limitations of record, if any, and further subject to:

NONE

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: October 29, 2018

Signed and Sealed:

Lakeside Oakland Development, L.C., Michigan Limited Liability Company

BY: Frank A. Pellerito  
Frank A. Pellerito, Manager

Fidelity National Title



E-RECORDED

Warranty Deed - Statutory Form  
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Lakeside Oakland Development, L.C., Michigan Limited Liability Company

BY: Frank A. Pellerito  
Frank A. Pellerito, Manager

Fidelity National Title

State of Michigan  
County of OAKLAND

I, Tina M. Nardico, a Notary Public of the County and the State first written above, do hereby certify that Frank A. Pellerito, Manager of Lakeside Oakland Development, L.C., on behalf of the company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 20<sup>th</sup> day of October, 2018.

Tina M. Nardico  
Name: Tina M. Nardico  
Notary Public - State of Michigan  
Oakland County  
My Commission Expires: 5/7/2021  
Acting in the County of OAKLAND

TINA M NARDICO  
NOTARY PUBLIC- STATE OF MICHIGAN  
COUNTY OF OAKLAND  
My Commission Expires May 7, 2021  
Acting in the County of OAKLAND

(Seal)

**Drafted by:**  
Frank A. Pellerito  
30295 Embassy Dr.  
Beverly Hills, MI 48025

**Mail After Recording To:**  
Apex Ultra, Worldwide c/o  
Anthony Virga  
1607 E. Lake Dr.  
Novi, MI 48377

**Send Subsequent  
Tax Bills To:**  
APEX Ultra Worldwide,  
c/o Anthony Virga  
1607 E. Lake Dr.  
Novi, MI 48377

**Recording Fee: \$35.00**

**Real Estate Transfer Tax: \$5,590.00**

**Tax parcel no.:** 92-17-35-251-063, 92-17-35-251-067,  
E-17-35-251-071

EXHIBIT A

(legal description)

Order No. A0733932

Land situated in the City of Walled Lake, and the Township of Commerce, County of Oakland, State of Michigan, more particularly described as:

**PARCEL 1:** Part of the Northeast 1/4 of Section 35, Town 2 North, Range 8 East, City of Walled Lake, Oakland County, Michigan, described as: beginning South 518 feet and North 81 degrees 57 minutes 00 second East 284.13 feet from the North 1/4 Section corner; thence North 81 degrees 57 minutes 00 seconds East 251.68 feet; thence South 02 degrees 20 minutes 12 seconds East 200.99 feet; thence South 81 degrees 57 minutes 00 seconds West 232.08 feet; thence North 08 degrees 02 minutes 00 seconds West 200 feet to point of beginning.

**PARCEL 2:** Part of the Northeast 1/4 of Section 35, Town 2 North, Range 8 East, City of Walled Lake, Oakland County, Michigan, described as: beginning South 00 degrees 04 minutes 23 second West 658.51 feet from the North 1/4 Section corner; thence South 89 degrees 55 minutes 37 seconds East 104.77 feet; thence North 07 degrees 55 minutes 39 seconds West 13.25 feet; thence North 82 degrees 03 minutes 21 seconds East 100 feet; thence South 07 degrees 55 minutes 39 seconds East 59.80 feet; thence South 82 degrees 03 minutes 21 seconds West 10.37 feet; thence South 00 degrees 04 minutes 23 seconds West 171.65 feet; thence North 89 degrees 53 minutes 39 seconds West 200 feet; thence North 00 degrees 04 minutes 23 seconds East 205.13 feet to the point of beginning.

**PARCEL 3:** Part of the Northeast 1/4 of Section 35, Town 2 North, Range 8 East, Township of Commerce, Oakland County, Michigan, described as: beginning North 88 degrees 72 minutes 28 seconds West 2,664.30 feet and South 00 degrees 04 minutes 23 seconds West 863.64 feet and South 89 degrees 53 minutes 39 seconds East 200 feet from the Northeast Section corner; thence North 00 degrees 04 minutes 23 seconds East 171.65 feet; thence North 82 degrees 03 minutes 21 seconds East 341.90 feet; thence South 02 degrees 13 minutes 51 second East

166.01 feet; thence North 88 degrees 41 minutes 59 seconds West 175.50 feet; thence South 00 degrees 06 minutes 21 seconds West 57.31 feet; thence North 89 degrees 53 minutes 39 seconds West 169.74 feet to the point of beginning.

Parcel No's.: 92-17-35-251-063; 92-17-35-251-067; E-17-35-251-071