



**CITY OF WALLED LAKE
SPECIAL COUNCIL MEETING
(Electronic Meeting Platform)**

Wednesday, August 19, 2020 | 7:30 P.M.

ROLL CALL & DETERMINATION OF
A QUORUM

APPROVAL OF MINUTES

1. Special Council Meeting Public Hearing July 22, 2020

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UNFINISHED BUSINESS

1. City Council Case: 2020-03
Applicant: Pincanna, LLC
Location: 1877 E. West Maple
Request: Appeal of Administrative Denial of Marijuana
Facility Site Plan Application;
Non-use Variance; Request for Interpretation

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This matter relates to property located at 1877 E. West Maple Rd. zoned C-2. Applicant requests City Council to reverse or modify the March 11, 2020 administrative denial of applicant’s Marijuana Facility site plan application or alternatively grant the below requested variances to operate a medical marihuana provisioning center at 1877 E. West Maple Rd. The applicant alternatively seeks a variance from C-334-17, Section 21.50 (b) and (e) 7 which limit the number of provisioning centers to not more than two(2) in a C-2 zoning district and further require a 500 foot set back from another provisioning center; to allow a third provisioning center in a C-2 zoning district to operate within five hundred (500) feet of another provisioning center.

AUDIENCE PARTICIPATION

Audience members will be able to speak via electronic means as instructed below.

ADJOURNMENT

NOTICE OF ELECTRONIC PUBLIC MEETING: Pursuant to Executive Order No. 2020-154 signed by Governor Whitmer July 17, 2020 allows participation of the City Council meeting to be made available via electronic communications out of precaution and to limit the potential exposure of the public and staff to the COVID-19 virus.

Electronic Meeting Platform

The City will be utilizing the audio-conferencing tool ZOOM. Members of the Walled Lake public body will be able to hear and speak to each other for the entire meeting. Except for closed session portions of the meeting, members of the audience/public will be able to hear members of the Walled Lake public body during the entire meeting but will **only be able to speak** during Audience Participation or Public Hearing.

To connect to the meeting through ZOOM using a laptop PC or Smart Phone, a member of the public may need to do the following:

- Install Zoom App on mobile device.
- Or download Zoom Client at <https://zoom.us/download> and install on a PC or Mac

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86847044538>

Passcode: 877760

Or iPhone one-tap :

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Or Telephone:

Dial(for higher quality, dial a number based on your current location):

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or +1 669 900 9128

Webinar ID: 868 4704 4538

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International numbers available: <https://us02web.zoom.us/j/kdhv2AII4Z>

Members of the public participating in during the Audience Participation period via ZOOM will wait in a virtual queue until called upon during the audience participation period. Because of limitations on un-muting and re-muting members of the public, audience participation *will be at the end of the meeting* (unless there is a public hearing item, in which case the following procedures will apply to that portion of the meeting as well).

When audience participation is permitted, members of the public will be called one at a time, as would happen during an in-person meeting. The meeting moderator will determine the order of public speakers. If you want to speak, you must use the “Raise Hand” feature for the Mayor to know you need to be unmuted. When you are unmuted, you will have three (3) minutes to share your comments to the public body. At the conclusion of your comments or your three (3) minutes, you will be re-muted and then removed from the queue.

Participants may also choose to submit comments that can be read into the record. Comments can be submitted via an email to clerk@walledlake.com. Comments shall be done prior to 12:00 p.m. on the day of the meeting.

Procedures by which persons may contact members of the public body prior to a meeting.

The City of Walled Lake government e-mail addresses of the members of all public bodies utilizing this means of meeting are available on the City’s website at:

<https://walledlake.us/index.php/contact-us>

Procedures for participation by persons with disabilities.

The City will be following its normal procedures for accommodation of persons with disabilities. Those individuals needing accommodations for effective participation in this meeting should contact the City Clerk (248) 624- 4847 in advance of the meeting. An attempt will be made to make reasonable accommodations.

Individuals with Hearing or Speech-Impairments

Users that are hearing persons and deaf, hard of hearing, or speech-impaired persons can communicate by telephone by dialing 7-1-1.

- Individuals who call will be paired with a Communications Assistant
- Make sure to give the Communications Assistant the proper teleconference phone number and meeting ID with password.

For more information please visit:

https://www.michigan.gov/mpsc/0,9535,7-395-93308_93325_93425_94040_94041---,00.html

**CITY OF WALLED LAKE
SPECIAL COUNCIL MEETING
PUBLIC HEARING
(ELECTRONIC MEETING PLATFORM)
WEDNESDAY , JULY 22, 2020
7:30 P.M.**

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

ROLL CALL: Mayor Ackley, Mayor Pro Tem Ambrose, Council Member Costanzo, Council Member Lublin, Council Member Owsinek, Council Member Woods

There being a quorum present, the meeting was declared in session.

OTHERS PRESENT: City Manager Whitt, Confidential Assistant Jaquays, Police Chief Shakinas, Police Captain Kolke, Fire Chief Coomer, Finance Director Barlass, City Attorney Vanerian, Deputy City Clerk Gross, and City Clerk Stuart

CM 7-17-20 MOTION TO EXCUSE COUNCIL MEMBER LOCH FROM TONIGHT'S MEETING

Motion by Ambrose, seconded by Owsinek, UNANIMOUSLY CARRIED: To excuse Council Member Loch from tonight's meeting.

REQUEST FOR AGENDA CHANGES: None

City Attorney Vanerian explained his request to move new business item #2 to #1. Attorney Vanerian said this applicant, Iron Labs, is requesting a variance from a 500 foot setback from a provisioning center and at last evenings city council meeting, July 21, 2020, the council adopted an amendment to this specific ordinance where by the 500 foot setback would no longer be required for a safety compliance facility. City Attorney Vanerian explained technically the ordinance does not go into effect until 21 days after it is published however in approximately three weeks, Iron Labs would no longer need the variance. He explained even if City Council denied the variance request, the 500-foot setback for safety compliance would be void. City Attorney Vanerian recommended council entertain a motion to amend the agenda to move Iron Labs ahead of Pincanna, LLC.

CM 7-18-20 MOTION TO AMEND AGENDA TO PLACE NEW BUSINESS #2 BEFORE NEW BUSINESS #1

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To amend agenda to place New Business #2 before New Business #1.

Roll Call Vote

Ayes (6)	Costanzo, Lublin, Owsinek, Woods, Ambrose, Ackley
Nays (0)	
Absent (1)	Loch
Abstention (0)	

NEW BUSINESS:

2.	City Council Case:	2020-04
	Applicant:	Iron Laboratories
	Location:	1825 E. West Maple
	Request:	Non-use Variance

Open Public Hearing 7:36 p.m.

Clerk Stuart read into the record City Council Case 2020-04 and their appeal request.

This matter relates to property located at 1825 E. West Maple zoned C-2. The applicant seeks an appeal of the administrative denial of applicant's proposed site plan for a Marijuana Safety Compliance Facility at the above location. Applicant further requests a variance from the 500 ft. setback requirement in Sec. 21-50(e)(7) of the zoning ordinance to allow a Marijuana Safety Compliance Facility within 500 ft. of a Marijuana Provisioning Center.

Attorney Seth Tompkins for Iron Labs thanked council for the opportunity to appeal. Attorney Tompkins explained Iron Labs was prohibited from opening due to the 500-foot setback requirement when Apex was approved. Attorney Tompkins said Iron Labs has been operating in Walled Lake with a license from the state. Attorney Tompkins opined the city would not be burdened by granting this variance however there is a deadline for their state renewal Attestation forms. Attorney Tompkins said this is of the utmost importance to his client, so they do not have to shut down their operations. Attorney Tompkins said this client is also seeking an application so the lab can test in the adult use market. Attorney Tompkins explained his client's operation is no hinderance on the city.

AUDIENCE PARTICIPATION None

Close Public Hearing 7:39 p.m.

CM 7-19-20 MOTION TO GRANT VARIANCE FOR CITY COUNCIL CASE 2020-04 BASED ON:

- 1.) STRICT COMPLIANCE WITH THE ORDINANCE REQUIREMENT WILL UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WILL BE UNNECESSARILY BURDENSOME.**
- 2.) THE REQUESTED VARIANCE WILL DO SUBSTANTIAL JUSTICE TO THE APPLICANT AND OTHER PROPERTY OWNERS.**
- 3.) A LESSER VARIANCE WILL DO SUBSTANTIAL RELIEF TO THE APPLICANT AND/OR BE CONSISTENT WITH JUSTICE TO OTHER PROPERTY OWNERS.**
- 4.) THE NEED FOR THE VARIANCE IS DUE TO UNIQUE CIRCUMSTANCES PECULIAR TO THE PROPERTY AND NOT GENERALLY APPLICABLE IN THE AREA OR TO OTHER PROPERTIES IN THE SAME ZONING DISTRICT.**
- 5.) THE PROBLEM AND RESULTING NEED FOR THE VARIANCE HAS NOT BEEN SELF-CREATED BY THE APPLICANT AND/OR APPLICANT'S PREDECESSORS.**

Motion by Owsinek, seconded by Costanzo: UNANIMOUSLY CARRIED: To approve non-use variance request for City Council Case 2020-04.

Roll Call Vote

Ayes (6)	Lublin, Owsinek, Woods, Ambrose, Costanzo, Ackley
Nays (0)	
Absent (1)	Loch
Abstention (0)	

- 1. City Council Case: 2020-03
Applicant: Pincanna, LLC
Location: 1877 E. West Maple
Request: Appeal of Administrative Denial of Marijuana Facility Site Plan Application; Non-use Variance; Request for Interpretation

Open Public Hearing 7:45 p.m.

This matter relates to property located at 1877 E. West Maple Rd. zoned C-2. Applicant requests City Council to reverse or modify the March 11, 2020 administrative denial of applicant's Marijuana Facility site plan application or alternatively grant the below requested variances to operate a medical marihuana provisioning center at 1877 E. West Maple Rd. The applicant alternatively seeks a variance from C-334-17, Section 21.50 (b) and (e) 7 which limits the number of provisioning centers to not more than two(2) in a C-2 zoning district and further

require a 500 foot set back from another provisioning center; to allow a third provisioning center in a C-2 zoning district to operate within five hundred (500) feet of another provisioning center.

Pincanna, LLC attorney Mark Roberts said his client's appeal is based on the city not following its procedures as set forth in the process that was established by resolution adopted March of 2015. Attorney Roberts said the procedure set forth indicated that applications were to be received starting April 2 of 2018. He explained his client, Pincanna, LLC submitted their application the very next day on April 3, 2018 after the submission there was to be an initial review conducted by the City Clerk and Pincanna, LLC was to be advised of any deficiencies in their submission and they heard nothing. He said no formal comments came from the city advising his client to supplement anything. He said he appreciates City Attorney Vanerian sharing his memo and in his memo it points out several site plan deficiencies. Attorney Roberts opined these items were precisely the type of issues that should have been brought to Pincanna's attention. He said if provided, his client would have been given the opportunity to withdraw their application and been given a refund or provide supplements. He said his client was not given this opportunity. Attorney Roberts said the city established procedures and it appears for whatever reason did not follow the process. Attorney Roberts explained Pincanna, LLC entered into a lease agreement with the landowner and they have been paying rent to the landowner with an option to purchase since April of 2018. He said his client has incurred substantial costs for their application. Attorney Roberts said the city acted on May 1, 2018 and it is his position that the deficiencies could have been rapidly supplemented or corrected. Attorney Roberts said the Apex application which was granted approval according to the March 16th document of this year was not even submitted to the city yet. Attorney Roberts said his client was the only provisioning center in this area at the time so the 500-foot setback or separation requirement would not have been applicable.

Attorney Roberts said his client feels there was improper application of city procedures. He said it is his understanding that back in 2018 applicants needed some kind of city approval in order to even apply to the state. He said by the city not providing his client an opportunity to supplement their application they were not able to apply to the state. Attorney Roberts said his client and their parent company were granted state approval in October of 2018. Attorney Roberts said it was not until April of 2019 a year after Pincanna's submittal, did Apex submit for site plan approval. He said there was also an amended site plan as well. He said, yet his client, Pincanna was never notified of anything. Attorney Roberts said there is an April 1st review letter for Apex that recommended the Planning Commission defer action on their submittal. He said the McKenna review letter is dated three days before the Apex site plan was received by the clerk. He said the reason he is pointing this out is that because one of the issues brought out in the memo is that there is no time frame for the review period. Attorney Roberts said all applications should be reviewed equally. He said Apex was advised of deficiencies and given opportunity to correct them and that opportunity was denied to his client. Attorney Roberts said the Planning Commission gave conditional approval to Apex May of 2018, a second approval was given July 9, 2019 which is a full year after his client Pincanna, LLC submitted their application. Attorney Roberts said had his client's application been promptly reviewed as Apex was, they would have been given the opportunity to supplement.

Attorney Roberts explained that the Pincanna proposal was an attractive development in the gateway area of the city. He opined it was a substantial improvement that included new construction and new water taps. Attorney Roberts said bottom line is when his client Pincanna, LLC submitted a plan in 2018 there was no feedback and out of frustration tried to submit a supplemental plan that was rejected from the clerk's office. Attorney Roberts said Apex came before council twice seeking extensions, once in October of 2019 and then again February 2020. He said his client does not feel they were treated according to the city's established procedures plus council granted extra extensions to another facility that submitted a year after Pincanna, LLC.

Attorney Roberts said his client heard from the city twice after their submittal with a denial letter that specified a number of things, including a separation requirement when the city procedures say his clients application was to be evaluated first as being one of the first applications in. Attorney Roberts said his client is frustrated as they were never advised of any of the deficiencies in their submission until July 7, 2020 that was the first list of deficiencies provided which should have occurred May of 2018.

Attorney Roberts said it would be appropriate for the City Council to re-evaluate the Pincanna, LLC proposal, provide opportunity to satisfy any deficiencies and they should have been afforded and considered as if Apex was not in the process of being built.

Attorney Roberts said he wanted to correct one item that when Pincanna, LLC submitted their application, Apex was not under construction at that point. He also said the city attorney memo pointed out Pincanna's insurance was expired and explained his client submitted their application over two years ago.

Attorney Roberts said for the reasons he explained, he thinks on due process philosophy that if his client was denied due process he said his client should have an opportunity to correct by supplement and be considered for approval despite the location of Apex.

Attorney Roberts said as an alternative relief, his client is asking for a variance on the C-2 limitations on the number of provisioning centers and on the separation requirements.

Attorney Roberts said he believes for these reasons strict compliance with separation would do substantial harm to his client and prevent them from using their facility. He said it would appear also that the city did not follow either purposely or erroneously their own procedures as written in 2018.

CM 7-20-20 MOTION TO RECEIVE AND FILE THE ADMINISTRATIVE RECORD OF PINCANNA, LLC APPLICATION INTO THE RECORD OF THIS PROCEEDING

Motion by Ambrose, seconded by Lublin, UNANIMOUSLY CARRIED: To receive and file the administrative record of Pincanna, LLC application into the record of this proceeding.

Roll Call Vote

Ayes (6)	Lublin, Owsinek, Woods, Ambrose, Costanzo, Ackley
Nays (0)	
Absent (1)	Loch
Abstention (0)	

Mayor Pro Tem Ambrose said he finds Attorney Roberts claims very interesting and concerning. He said he wanted to have the city attorney review the documents and advise council on where they stand with applications and procedures.

Council Member Costanzo said he agrees with Mayor Pro Tem Ambrose.

Mayor Ackley said City Attorney Vanerian's memo provided a lot of information.

City Attorney Vanerian said one option for council is to postpone any action on the appeal this evening and refer to him for review and recommendation. City Attorney Vanerian said Attorney Roberts has raised some interpretative issues as the city's review procedures, what that consist of and what types of deficiencies that we're supposed to advise the applicant of during the initial cursory review during the preliminary stage. He said it would be appropriate for council to be provided recommendations as to the interpretation of that requirement and what was required of the city at the preliminary review step.

City Attorney Vanerian explained issues were raised as it relates to the city's priority system that was adopted. He said his memo explains in detail this process.

City Attorney Vanerian said the applications for Apex and Attitude Wellness were done in accordance with the city's ordinances where an applicant is proposing a new construction in any zoning district or if it pertains to a facility in the industrial zoning district. He explained these applications are reviewed by the Planning Commission first whereas other types of facility are reviewed administratively. Attorney Vanerian explained Pincanna, LLC was proposing use of an existing building in a C-2 zoned district and therefore it was reviewed administratively rather than by the Planning Commission. He said there are different types of review procedures employed between Apex and Pincanna, LLC.

City Attorney Vanerian said it would be appropriate for council to entertain a motion to refer case to city attorney for legal review and recommendation and postpone taking action pending receipt of his review.

Pincanna, LLC attorney Mr. Roberts said he wanted to clarify for council that his client had always proposed a new construction on the site with new water and sewer taps. He said his client met both the priority one and three of the city's priority review schedule.

Council discussed dates and asked City Attorney Vanerian when he would be able to provide legal review report to back to council. City Attorney Vanerian said after the next regular council meeting of August 18th.

CM 7-21-20 MOTION TO SCHEDULE SPECIAL MEETING FOR AUGUST 19, 2020 AT 7:30 P.M.

Motion by Costanzo, seconded by Owsinek: UNANIMOUSLY CARRIED: To schedule special meeting for August 19, 2020 at 7:30 p.m.

Roll Call Vote

Ayes (6)	Owsinek, Woods, Ambrose, Costanzo, Lublin, Ackley
Nays (0)	
Absent (1)	Loch
Abstention (0)	

AUDIENCE PARTICIPATION: None

Close Public Hearing 8:02 p.m.

ADJOURNMENT

Meeting adjourned at 8:41 p.m.

Jennifer A. Stuart, City Clerk

Linda S. Ackley, Mayor

History: Chapter 6, The Council: Procedure and Miscellaneous Powers and Duties: *Section 6.7 (a) A journal of the proceedings of each meeting shall be kept in the English language by the Clerk and shall be signed by the presiding officer and Clerk of the meeting.*



OFFICE OF THE CITY ATTORNEY
CITY OF WALLED LAKE, MICHIGAN

L. DENNIS WHITT
CITY MANAGER

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August 10, 2020

Members of Walled Lake City Council
1499 E. West Maple Rd.
Walled Lake, MI 48390

*Re: Applicant: Pincanna Rx-Walled Lake Inc.
Case No. 2020-03
Location: 1877 E. West Maple
Request: Appeal of Site Plan Denial for Provisioning Center*

Dear Members of Council:

Pursuant to Council's direction at the July 22, 2020 Special Meeting regarding the above referenced matter, please accept this correspondence as my written legal opinion and recommendation concerning the above referenced Appeal.

Introduction and Procedural History

On July 22, 2020, Council held a Special Meeting to hear an appeal of an administrative denial of Applicant's ("Pincanna") site plan application for a Medical Marijuana Provisioning Center. The July 22nd Special Meeting included a duly noticed public hearing on the appeal held in compliance with applicable provisions of the zoning ordinance and the Michigan Zoning Enabling Act, *MCL 125.3101, et seq.* ("MZEA"). Prior to the July 22nd hearing, Pincanna submitted a written Notice of Appeal seeking Council review and reversal of the administrative denial of the applicant's site plan application for a proposed provisioning center. The Appeal implores Council to exercise its Administrative Review, Interpretive and Variance powers in granting the relief requested by the Applicant. In advance of the July 22nd hearing, I prepared and submitted a Memo dated July 7, 2020 providing an overview of the Council Appeal process and further including an analysis of applicable ordinances and other pertinent matters discussed in the Memo. A copy of the Memo is attached for ease of reference.

At the time of the July 22nd hearing, the attorney for Pincanna addressed Council and presented Applicant's case in support of its appeal. Members of the public were also afforded an opportunity to address Council. At the conclusion of the July 22nd hearing, Council referred the Appeal to the City Attorney for legal review and recommendation. Council further postponed any final decision on the merits of the Appeal pending receipt of the City Attorney's legal

opinion and recommendation. Council further scheduled a Special Meeting for August 19, 2020 for purposes of taking further action on the instant Appeal.

Administrative Record and Decision

The Applicant proposes utilizing an existing commercial building located at 1877 E. West Maple Rd. that has existing city water and sewer service. According to a recently submitted site plan application dated Jan. 20, 2020, the existing building would be internally divided with the current occupant, Games We Play, occupying the rear of the building and the proposed Provisioning Center would occupy the front portion of the building.

Applicant submitted an initial application in April 2018 that included a one-page site plan depicting the footprint of a 4,000 square ft. building at the rear of the lot. (***Exhibit 1***). The April 2018 submittals did not state or indicate whether the building at the rear of lot was an existing structure or represented proposed new construction. The April 2018 submittals did not propose or depict any storm water control facilities or plans for the site. The April 2018 site plan did not include setbacks for existing and/or proposed new buildings and contained no parking data/calculations.

On January 20, 2020, Applicant submitted a supplemental site plan application that included a revised site plan for the site. (***Exhibit 2***). The revised site plan identified the building at the rear of the lot as proposed new construction and reduced the footprint of the rear building from 4,000 sq. ft. to 3,193 sq. ft. The revised site plan further included proposed construction of new stormwater management facilities at the rear of the lot behind the proposed new building. The narrative portion of the Jan 20, 2020 site plan application states a new building would be constructed at the rear of the lot with new water and sewer taps serving the new rear building. Prior to the Jan 20, 2020 site plan application, the applicant's submittals did not identify any new water or sewer taps for the site. It is undisputed that no tap fees have been paid to the City for the proposed new water and sewer taps.

The applicant's revised site plan application does not state or describe the proposed use of the new building. The submitted plans merely depict a rectangular footprint of a proposed new building at the rear of the lot with no additional detail, floor plans, description or elevations for the new building as required by Sec. 21.28 of the City's site plan review ordinance. Consequently, in regard to the proposed new building at the rear of the lot, the submitted plans do not meet basic requirements of the City's site plan review ordinance for review and action on a proposed new commercial building. The Jan. 20, 2020 site plan application included a contractor estimate indicating \$353,020 in total improvements. Prior to the Jan. 20, 2020 application, applicant submitted no contractor estimates for the cost of the proposed site improvements.

The applicant's proposed Provisioning Center is located less than 500 ft. from another Provisioning Center located across the street at 1760 E. West Maple Rd. (i.e. Apex Ultra). Pincanna does not dispute that its proposed facility is located less than 500 ft. from Apex Ultra. In fact, Pincanna seeks a variance from the 500 ft. set back requirement as an alternative form of relief. The Planning Commission granted site plan approval for the Apex Ultra Provisioning Center at the May 28, 2019 planning commission meeting. Contrary to applicant's contention, Apex Ultra has been pre-qualified by the State of Michigan as required by City ordinance and has commenced active site development of its previously undeveloped parcel. (***Exhibit 3***). Apex Ultra proposed and timely paid for new water

and sewer taps for the new Provisioning Center facility, as the previously undeveloped parcel has no existing water or sewer service. *Id.*

The second and final C-2 Provisioning Center site plan approval was awarded to Attitude Wellness (d/b/a Lume) by the planning commission at the July 9, 2019 planning commission meeting.¹ The planning commission also considered two other unsuccessful provisioning center applicants at the July 9, 2019 meeting. Like Apex Ultra, Attitude Wellness proposed and timely paid for new water and sewer taps for its site, submitted documentation confirming state pre-qualification and provided contractor estimates indicating improvement costs in excess of one million dollars which included demolition of an existing structure (including the former well that served the former building) and construction of an entirely new facility. (*Exhibit 4*).

Pincanna has submitted no documentation to the City confirming pre-qualification by the State of Michigan as required by City ordinance. Moreover, the required certificate of liability insurance submitted by Pincanna expired on 02-23-2019 and failed to list either Pincanna or the City as insured parties (the certificate identifies “Compassionate Advisors LLC” as the only insured party).

On March 11, 2020, the City sent written notification to the Applicant that its site plan application had been denied due to the unavailability of any remaining Provisioning Center approvals in the C-2 zoning district². (*Exhibit 5*). The denial letter identified the name and location of the two successful C-2 applicants and further informed the Applicant that if its proposed facility was located within 500 ft. of either of the two approved facilities, or if the Applicant failed to submit documentation confirming state pre-qualification, either or both of these factors would be a further basis for denial of its application.

Overview of Administrative Review and Appeal Process

Under the City’s zoning ordinance, an applicant seeking site plan approval for a marijuana facility must submit a complete application, including all required supporting documentation, and pay all required fees and deposits. Upon submitting a complete application, the application is reviewed and acted upon by either the Planning Commission or City Administration pursuant to both the generally applicable site plan review criteria and procedures under section 21.28 (“Site Plan Review”) and the facility specific criteria and procedures under section 21.50 (“Marijuana Facilities”). A proposed marijuana facility in either an industrial zoning district or proposing new construction in any zoning district must be reviewed and acted upon by the planning commission, any other proposed facility may be reviewed and acted upon administratively. In so far as the Pincanna provisioning center application proposed utilizing an existing building in a C-2 zoning district, it was reviewed and acted upon administratively.

Ord. No. C-337-18 amended section 21.50 by adopting several additional sub-sections including an appeal process under sub-section (q). Under the appeal process, an aggrieved party may appeal any action taken on a site plan application for a marijuana facility by appealing the decision on the site

¹ Notably, Pincanna did not appeal either site plan approval awarded to Apex Ultra or Attitude Wellness. Both Apex Ultra and Attitude Wellness submitted their initial applications after Pincanna submitted its initial application in April 2018.

² The March 11, 2020 denial letter reveals that it constituted notification of the City’s final administrative decision on Pincanna’s site plan application.

plan application to City Council. The appeal provisions under sub-section (q) confer discretionary powers on City Council relative to affirming, reversing or modifying any action taken on a site plan application for a marijuana facility. City Council appeal powers include powers typically exercised by the Zoning Board of Appeals in zoning matters under Article 23.00 of the zoning ordinance, including Administrative Review, Interpretive and Variance powers³.

Overview of Marijuana Facility Laws, Ordinances and Rules

Section 21.50(g) of the Marijuana Facilities ordinance states the City “shall take action on the application according to the applicable review criteria and procedures in section 21.28 and the provisions specific to Marijuana Facilities as set forth in this zoning ordinance.” Under both state law and local ordinance, a decision rejecting site plan approval shall be based on lack of compliance with requirements and standards contained in the zoning ordinance, other applicable ordinances, and/or state and federal statutes. *See, MCL 125.3501(4) and sections 21.28 G. 8.a.iii. and/or section 21.50(g) of the City’s zoning ordinance.* Site plan approval is required only upon a showing of compliance with conditions imposed under the zoning ordinance, other applicable ordinances, and state and federal statutes. *MCL 125.3501(5).* Other applicable laws include requirements arising under the Marijuana Facilities Licensing Act, MCL 333.27101, *et seq.* (“Act”) and the Administrative Rules adopted pursuant to the Act (“Rules”). The City’s ordinances, the Act and Rules require state pre-qualification of the Applicant and/or a full state operating license to operate a Provisioning Center.

In addition to the procedures and requirements arising under section 21.28, section 21.50 adopts additional regulations, review criteria and procedures specific to Marijuana Facilities. The Marijuana Facility specific provisions under section 21.50 include, but are not limited to, the following in relevant part:

- Only three (3) total provisioning centers city wide: two (2) provisioning centers are permitted in a C-2 zoning district and one (1) in the C-1 zoning district.
- A provisioning center cannot be located within 500 ft. of another provisioning center or a school.
- An applicant must either be pre-qualified by the State of Michigan or have been issued a full state operating license for the proposed facility.
- A Marijuana Facility shall comply with all State Administrative Rules adopted pursuant to the Medical Marijuana Facilities Licensing Act and all other applicable requirements arising under the Act.

When the City adopted its ordinances authorizing only a limited number of the various types of marijuana facilities, the City anticipated that the number of applications meeting minimal requirements under applicable codes and ordinances would likely exceed the limited number of facilities authorized under the City’s ordinances. In fact, the City received eighteen (18) applications for the two (2) available provisioning center approvals in the C-2 zoning district.⁴ Consequently, even

³ See attached July 7, 2020 City Attorney Memo for a more detailed discussion of Council Appeal powers.

⁴ Because the City received eighteen (18) applications for the two available provisioning center approvals in the C-2 zoning district, all applications were reviewed collectively with comparative reference to one another when

though all C-2 applications could have potentially satisfied minimal approval criteria under applicable codes and ordinances, all but two inevitably required denial. Accordingly, the City adopted a priority system as a mechanism for deciding how to allocate and award the limited number of approvals among competing applicants otherwise satisfying minimal code requirements.⁵ The purposes underlying the City's three tiered priority system include encouraging new development and re-development of existing properties, providing additional City revenue through user/tap fees and enhancement of the City's tax base, encouraging water/sewer service to vacant/under-utilized properties that have prolonged vacancy and use related problems due to the lack of City water/sewer service, improving the City's business environment by encouraging new developments/re-developments, etc.

Specifically, Resolution 2018-10 adopts local administrative rules and procedures for the processing of Marijuana Facility applications. These local administrative rules include the above referenced three-tiered priority system for processing competing applications for the limited number of available approvals for each facility type. Applications proposing new City water and sewer service to a property previously unserved by City water and sewer service receive first level priority. Applications proposing either new City water service or new sewer service to a previously unserved property receive second level priority. ***An applicant must pay all required tap fees before receiving a first or second level priority.*** Applications proposing \$20,000.00 or more of non-facility specific improvements of a general nature documented by a credible estimate from a qualified contractor receive a third level priority.

Resolution 2018-10 further adopts a preliminary review step in the application review process for purposes of determining whether the application is complete and whether the application on its face makes a preliminary showing of eligibility for further review. If the applicant submits a complete application that makes a facial showing of preliminary eligibility, the application undergoes final review for consideration of final approval, denial or approval subject to conditions.

The resolution stays the commencement of the review process until May 1, 2018, but neither the resolution nor any applicable City ordinances require completion of the review process and/or action on a given application within any specified time frame. When the City started receiving applications in the spring/early summer of 2018, none of the provisioning center applicants included proof of state pre-qualification with their initial application submittals as few, if any, applicants had completed the state prequalification application process at that time. Consequently, rather than simply deny all applications at an early stage of the review process due to lack of required proof of state pre-qualification, the City instead administered its review process in a manner that would afford applicants a reasonable opportunity to obtain state pre-qualification prior to final action on the applications.

The City started its process by reviewing provisioning center applications for the C-1 zoning district where only one (1) provisioning center is allowed by ordinance. After the City completed its review of

determining how to award and allocate the limited number of available approvals. Consequently, the factors considered in denying/approving an application necessarily include a comparative analysis of the factors considered in denying/approving another for purposes of determining which applicants made a more compelling showing under the City's applicable review criteria, priorities and procedures.

⁵ Different communities employ different methodologies. Some use a first come/first serve method, others use a random draw, others attempt to assign a number of points from a point range applied to different categories, etc.

the C-1 provisioning center applications in December 2018, the City commenced review of the C-2 provisioning center applications in early 2019. Once again, the City received eighteen (18) applications for the two available placements in the C-2 zoning district, some of which proposed new construction and therefore required review and action by the planning commission. The C-2 provisioning center applications were reviewed and acted upon according to the City's priority system whereby applications demonstrating and perfecting a higher level of priority were review and acted upon ahead of competing lower priority applications.

Overview of Appeal

The Applicant, Pincanna, filed a timely written Notice of Appeal seeking Council review and reversal of the administrative denial of the applicant's site plan application for a proposed provisioning center. The applicant's Notice of Appeal ("Appeal") includes a written synopsis of the issues presented, reasons and argument in support of applicant's challenges to the administrative denial of the site plan application, relief requested and supporting documentation. The Appeal implores Council to exercise its Administrative Review and Variance powers in granting the relief requested by the Applicant. City Council, sitting as the ZBA, may reverse, affirm, vary or modify any order, requirement, decision, or determination presented in a case within its jurisdiction, and to that end, shall have all of the powers of the officer, board or commission from whom the appeal is taken, subject to the applicable scope of review, as specified in the zoning ordinance and/or by law. Council, sitting as the ZBA, may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request.

At the July 22nd Council hearing, Pincanna argued that it should have been notified of certain deficiencies in its application and failure to do so violated the City's ordinances and Due Process requirements. Pincanna argues it never received written notification of the results of the preliminary review and if it had it would have had the opportunity to correct certain deficiencies. Specifically, Pincanna claims written notification of the results of the preliminary review would have identified the above deficiencies regarding its initial site plan and level of priority. Pincanna's argument raises an interpretive issue concerning the scope of the preliminary review step, including the types of defects or deficiencies identified at the preliminary review step. Pincanna further referenced steps taken during the review of the two approved provisioning centers (i.e. Apex Ultra and Attitude Wellness) claiming Pincanna did not receive the same level of feed back from the City during the review process.

Analysis

The Appeal alleges the City erroneously denied Pincanna's site plan application for a provisioning center. As set forth in the attached July 7th City Attorney Memo, Council review shall be based on the record of the administrative decision being appealed without consideration of new information which had not been presented to the administrative decision maker from whom the appeal is taken. City Council, sitting as the ZBA, shall not substitute its judgment for that of the administrative official being appealed and the appeal shall be limited to determining, based on the record, whether the administrative official breached a duty or discretion in carrying out the provisions of the zoning ordinance.

In support of its claim that the City erroneously denied its site plan application, Pincanna argues that its application qualified for first level priority and the City should have made a decision on its application before taking action on the Apex Ultra and/or Attitude Wellness applications, both of which were filed after the initial Pincanna submittal in April 2018. However, the priorities for processing and taking action on competing applications are based on the applicant making certain qualifying improvements (i.e. new water/sewer taps, cost of site improvements) ***not the order of filing the application***. Consequently, a later filed application perfecting a first/second/third level of priority must be acted upon and decided before an earlier filed application that fails to perfect any level of priority. Here, Pincanna never perfected a first or second level of priority because it is undisputed that Pincanna never paid the required tap fees for the new water/sewer taps that it proposed for the first time by way of its January 20, 2020 site plan application.

Furthermore, Pincanna did not perfect a third level of priority until it submitted a contractor estimate for the proposed improvements with its January 20, 2020 site plan application, more than six months after the second and final C-2 Provisioning Center approval had been awarded to Attitude Wellness by the planning commission at the July 2019 meeting. Both approved provisioning centers proposed new construction, and both therefore proposed new water and/or sewer taps for their new facilities. Both approved applicants timely paid the required tap fees. Attitude Wellness timely submitted credible contractor estimates documenting non-facility specific improvements that exceed one million dollars.

Accordingly, both approved provisioning centers perfected a first and second level of priority over the Pincanna application when their respective site plans were approved by the planning commission in May and July of 2019. As of July 2019, when the second and final C-2 Provisioning Center approval was awarded to Attitude Wellness, Pincanna still had not perfected any level of priority. Therefore, as required by the city's administrative procedural rules, the City appropriately acted upon the two approved priority applications before taking action on Pincanna's non-priority application.

Once the City completed processing of the higher priority C-2 applications and moved to the lower and/or non-priority applications, including the Pincanna application, the City's two (2) facility quota had been exhausted as no Provisioning Center site plan approvals remained in the C-2 zoning district. Furthermore, because the previously approved Apex Ultra Facility located across the street is less than 500' from the proposed Pincanna facility, the Pincanna application further failed to qualify for approval due to lack of compliance with the 500 ft. set back requirement. Pincanna also failed to submit documentation confirming state pre-qualification⁶. Consequently, the Pincanna application further failed to qualify for approval due to lack of required proof of state pre-qualification of the Applicant.

Consequently, any effort between the City and Pincanna to fine tune and address any deficiencies/issues in the Pincanna site plan application would have been futile due to lack of

⁶ At the July 22nd Council hearing, Pincanna orally represented that it received state approval in October 2018. Therefore, according to Pincanna's representation, October 2018 is the earliest possible date Pincanna could have been eligible for approval. Be that as it may, the administrative record lacks any documented confirmation of state prequalification and Pincanna does not claim that it did in fact submit documentation of state prequalification.

compliance with the above referenced approval criteria. Unlike the Pincanna application, when the City worked with the two approved applicants to address deficiencies/issues concerning their respective submittals, one or more provisioning center placements in the C-2 zoning district remained at that time and there was no previously approved provisioning center within 500 ft. of either facility. Moreover, unlike Pincanna, the lack of state pre-qualification was not an obstacle for either Apex Ultra or Attitude Wellness. Clearly, differing circumstances and factors existed regarding compliance with mandatory approval criteria when the competing applications underwent their respective final reviews.

Pincanna contends that the City failed to follow its own site plan review procedures by failing to notify Pincanna of deficiencies/issues regarding its application. In support of its contention, Pincanna references the preliminary review step in the City's review process and the fact that the City interacted with Apex Ultra and Attitude Wellness to address issues/concerns in their respective applications. As previously stated, the City's procedural rules required final review and action on the Apex Ultra and Attitude Wellness applications before final review and action on the Pincanna application. Again, when the City undertook final review and action on the Pincanna application, the lack of compliance with the above referenced approval criteria rendered any effort to resolve deficiencies in the Pincanna application futile. Consequently, any collaborative effort between the City and Pincanna to fine tune Pincanna's proposed site plan would have been a mutually needless waste of time, money and resources. The obstacles rendering Pincanna's application futile during final review were not present during the final review and decision on the two approved applications. Accordingly, the fact that the City interacted with Apex Ultra and Attitude Wellness during the final review of their respective applications but allegedly did not do so with Pincanna, does not represent a flaw or deficiency in the review process of the Pincanna application as the applications were dissimilarly situated during their respective final reviews.

Pincanna further contends the City should have notified Pincanna of the above referenced deficiencies at the preliminary review step of the City's process. As indicated above, Resolution 2018-10 adopts a preliminary review step in the application review process for purposes of determining whether the application is complete and whether the application on its face makes a preliminary showing of eligibility for final review. Preliminary review consists of a cursory review of the application for purposes of identifying any readily apparent reason rendering the application ineligible for final review. Resolution 2018-10 identifies the scope of the items reviewed as of the time of the preliminary review as follows: a) the proposed facility is in an improper zoning district; b) the quota established by ordinance for the proposed facility has been exhausted; c) unpaid/past due financial obligations owing to the City; d) any other reason rendering the application ineligible. Importantly, Resolution 2018-10 subparagraph 5 expressly informs applicants that a determination of preliminary eligibility does not represent nor guarantee final approval:

A preliminary finding of eligibility does not guarantee, promise or represent that the facility satisfies all other applicable code and ordinance requirements needed for final approval or renewal.

If an application is found ineligible for further review at the preliminary step, the City Clerk is required to notify the applicant in writing of the deficiencies rendering the application ineligible for final review. The purpose of the notification requirement is to afford applicants an opportunity to

either withdraw the application and receive a refund of the application fee or supplement the application to address an identified deficiency. The scope of the preliminary review does **not** include a comprehensive detailed review of the site plan specifications and content by City staff and/or consultants. Consequently, any claim by Pincanna that deficiencies in its submitted site plan should have been identified during the preliminary review misinterprets the limited scope of the preliminary review step.

The limited scope of the preliminary review does **not** include a determination as to whether an applicant has proposed or perfected any level of priority or whether the applicant proposes new construction or utilizing an existing building. To the contrary, the scope of the preliminary review is limited to confirming that the proposed facility parcel is in a proper zoning district. None of the City's ordinances or rules require an applicant to propose or perfect any level of priority. Applicants **may** propose and perfect priority improvements to gain a competitive advantage over competing applications, but applicants are not required to do so. Consequently, Pincanna's failure to perfect any given level of priority did not render its application incomplete and absence of priority level improvements is not an item that otherwise falls within the limited scope of the preliminary review. None of the City's ordinances or rules require City staff to serve as taxpayer funded consultants who offer suggestions and recommendations to make an application more competitive under the City's review criteria and procedures. Accordingly, lack of City notification regarding the absence of priority level improvements or other site plan deficiencies does not represent improper procedure or lack of compliance with applicable City ordinances and rules.

Moreover, for the reason discussed above, lack of state pre-qualification is not within the limited scope of the preliminary review step. While the catch all provision in Rule 5 (e) arguably could be construed to include proof of state prequalification, the City has never interpreted or applied the catch all provision to include proof of state prequalification as an item within the scope of the preliminary review. As previously discussed, if the scope of the preliminary review step included confirmation of state prequalification, most, if not all, applications would have been found ineligible for final review soon after the City commenced its review process. To the contrary, the City has never found an application ineligible for final review at the preliminary review step due to lack of proof of state prequalification. Accordingly, considering proof of state prequalification as an item outside the limited scope of the preliminary review represents a reasonable and recommended interpretation of the City's Rules and procedures.

The preliminary review of Pincanna's application revealed no preliminary defects or deficiencies rendering Pincanna's application ineligible for final review at that time. Consequently, failure to provide Pincanna written notification that its application was found eligible for final review would not have identified any preliminary deficiency falling within the limited scope of the preliminary review. Therefore, Pincanna suffered no prejudice due to lack of written notification that its application was found eligible for final review as the written notification would not have identified any preliminary deficiency to address at that time. Following review and action on higher priority applications per the requirements of the City's adopted review procedures, Pincanna's application underwent final review and action by City administration pursuant to the City's duly adopted approval criteria and review procedures. When City administration performed the final review of Pincanna's application, no provisioning center placements remained in the C-2 zoning district and another provisioning center within 500 ft. of Pincanna's proposed site had been previously approved by the planning commission.

Once again, preliminary approval simply means an application is eligible for final review and does *not* represent, promise or guarantee compliance with applicable codes and ordinances needed for final approval. (See Resolution 2018-10 Rule 5 (e)).

Final administrative approval requires a showing that the proposed facility complies with all applicable ordinance requirements and state/federal laws. See, MCL 125.3501(4), (5) and sections 21.28 G. 8.a. and/or section 21.50(g) of the City's zoning ordinance. Section 21.50 (g) "Action on Application" further mandates denial of site plan approval where the facility would result in the violation of local ordinances: "An application for site plan approval of a Marijuana Facility that... would result in a violation of state or local law or the Rules shall be denied". Zoning ordinance Sec 21.50 (b) "Number and Location" states as follows in relevant part: "The number and placement of Marijuana Facilities shall comply with zoning district limitations and requirements as follows... Provisioning Center C-2: Two (2)" Consequently, the express provisions of the zoning ordinance unambiguously prohibit the placement of more than two (2) provisioning centers in the C-2 zoning district. Pursuant to Section 21.50(e)(7), a provisioning center cannot be located within 500 ft. of another provisioning center or a school. Section 21.50(j) further requires an applicant to submit documented verification of state prequalification as a prerequisite to site plan approval.

Conclusion

Here, Pincanna's application failed to qualify for final approval for the following reasons:

1) The planning commission previously approved the placement of two (2) provisioning centers in the C-2 zoning district. Approval of the Pincanna provisioning center application would have therefore resulted in a violation of Sec. 21.50(b) by approving the placement of a third provisioning center in the C-2 zoning district where only two (2) placements are allowed by ordinance. Accordingly, the express and unambiguous provisions of Sec. 21.50 (b) and (g) mandated the denial of Pincanna's application.

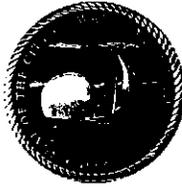
2) The proposed Pincanna provisioning center is located less than 500 ft. from the previously approved Apex Ultra provisioning center located across the street from the proposed Pincanna site. Therefore, approval of the Pincanna facility would have resulted in a violation of Sec. 21.50(e)(7).

3) Pincanna failed to submit documented verification of state prequalification. Therefore, Sec. 21.50(j) prohibited final approval of Pincanna's proposed site plan application. Importantly, lack of compliance with Sec. 21.50(j) would have prohibited final approval at any earlier date.

Respectfully,

Vahan C. Vanerian

Vahan Vanerian, Esq.
City Attorney



MEMORANDUM

City of Walled Lake · 1499 E. West Maple Road · Walled Lake, MI 48390 · (248) 624-4847

To: Walled Lake City Council
From: Vahan Vanerian, City Attorney
Re: Marijuana Facility Appeal: Pincanna Rx-Walled Lake, Inc.
Date: July 7, 2020

On July 22, 2020, a Special Meeting will be held to hear an appeal of an administrative denial of an application for a Medical Marijuana Provisioning Center filed by the applicant, Pincanna Rx-Walled Lake Inc. (“Applicant” or “Pincanna”). The Applicant proposed utilizing an existing commercial building located at 1877 E. West Maple Rd. that has existing city water and sewer service. According to a recently submitted site plan application dated Jan. 20, 2020, the existing building would be internally divided with the current occupant, Games We Play, occupying the rear of the building and the proposed Provisioning Center would occupy the front portion of the building.

Applicant submitted an initial application in April 2018 that included a one-page site plan depicting the footprint of a 4,000 square ft. building at the rear of the lot. (*Exhibit 1*). The April 2018 submittals did not state or indicate whether the building at the rear of lot was an existing structure or proposed new construction. The April 2018 submittals did not propose or depict any storm water control facilities or plans for the site. The April 2018 site plan did not include setbacks for existing and/or proposed new buildings and contained no parking data/calculations.

On January 20, 2020, Applicant submitted a supplemental site plan application that included a revised site plan for the site. (*Exhibit 2*). The revised site plan identified the building at the rear of lot as proposed new construction and reduced the footprint of the rear building from 4,000 sq. ft. to 3, 193 sq. ft. The revised site plan further included proposed construction of new stormwater management facilities at the rear of lot behind the proposed new building. The narrative portion of the Jan 20, 2020 site plan application states a new building would be constructed at the rear of the lot with new water and sewer taps serving the new rear building. Prior to the Jan 20, 2020 site plan application, the applicant’s submittals did not identify any new water or sewer taps for the site. It is undisputed that no tap fees have been paid to the City for the proposed new water and sewer taps.

The applicant’s revised site plan application does not state or describe the proposed use of the new building. The submitted plans merely depict a rectangular footprint of a proposed new building at the

rear of the lot with no additional detail, description or elevations for the new building as required by Sec. 21.28 of the City's site plan review ordinance. Consequently, in regard to the proposed new building at the rear of the lot, the submitted plans do not meet basic requirements of the City's site plan review ordinance. The Jan. 20, 2020 site plan application included a contractor estimate indicating \$353,020 in total improvements. Prior to the Jan. 20, 2020 application, applicant submitted no contractor estimates for the cost of the proposed site improvements.

The applicant's proposed Provisioning Center is located less than 500 ft. from another Provisioning Center located across the street at 1760 E. West Maple Rd. (i.e. Apex Ultra). Pincanna does not dispute that its proposed facility is located less than 500 ft. from Apex Ultra. In fact, Pincanna seeks a variance from the 500 ft. set back requirement as an alternative form of relief. The Planning Commission granted site plan approval for the Apex Ultra Provisioning Center at the May 28, 2019 planning commission meeting. Contrary to applicant's contention, Apex Ultra has been pre-qualified by the State of Michigan as required by City ordinance and has commenced active site development of its previously undeveloped parcel. (*Exhibit 3*). Apex Ultra proposed and timely paid for new water and sewer taps for the new Provisioning Center facility, as the previously undeveloped parcel has no existing water or sewer service. *Id.* Apex Ultra timely submitted contractor estimates indicating total site improvement costs exceeding nine hundred thousand dollars.

The second and final C-2 Provisioning Center site plan approval was awarded to Attitude Wellness (d/b/a Lume) by the planning commission at the July 9, 2019 planning commission meeting.¹ The planning commission also considered two other unsuccessful provisioning center applicants at the July 9, 2019 meeting. Like Apex Ultra, Attitude Wellness proposed and timely paid for new water and sewer taps for its site, submitted documentation confirming state pre-qualification and provided contractor estimates indicating improvement costs in excess of one million dollars which included demolition of an existing structure (including the former well that served the former building) and construction of an entirely new facility. (*Exhibit 4*).

Pincanna has submitted no documentation to the City confirming pre-qualification by the State of Michigan nor has Pincanna represented that it has obtained state pre-qualification as required by City ordinance. Moreover, the required certificate of liability insurance submitted by Pincanna expired on 02-23-2019 and failed to list either Pincanna or the City as insured parties (the certificate identifies "Compassionate Advisors LLC" as the only insured party).

On March 11, 2020, the City sent written notification to the Applicant that its site plan application had been denied due to the unavailability of any remaining Provisioning Center approvals in the C-2 zoning district. (*Exhibit 5*). The denial letter identified the name and location of the two successful C-2 applicants and further informed the Applicant that if its proposed facility was located within 500 ft. of either of the two approved facilities, or if the Applicant failed to submit documentation confirming state pre-qualification, either or both of these factors would be a further basis for denial of its application.

Overview of Administrative Review and Appeal Process

Under the City's zoning ordinance, an applicant seeking site plan approval for a marijuana facility must submit a complete application, including all required supporting documentation, and pay all

¹ Notably, Pincanna did not appeal either site plan approval awarded to Apex Ultra or Attitude Wellness.

required fees and deposits. Upon submitting a complete application, the application is reviewed and acted upon by either the Planning Commission or City Administration pursuant to both the generally applicable site plan review criteria and procedures under section 21.28 (“Site Plan Review”) and the facility specific criteria and procedures under section 21.50 (“Marijuana Facilities”). A proposed marijuana facility in either an industrial zoning district or proposing new construction in any zoning district must be reviewed and acted upon by the planning commission, any other proposed facility may be reviewed and acted upon administratively. In so far as the Pincanna provisioning center application proposed utilizing an existing building in a C-2 zoning district, it was reviewed and acted upon administratively.

Ord. No. C-337-18 amended section 21.50 by adopting several additional sub-sections including an appeal process under sub-section (q). Under the appeal process, an aggrieved party may appeal any action taken on a site plan application for a marijuana facility by appealing the decision on the site plan application to City Council. The appeal provisions under sub-section (q) confer discretionary powers on City Council relative to affirming, reversing or modifying any action taken on a site plan application for a marijuana facility. City Council appeal powers include powers typically exercised by the Zoning Board of Appeals in zoning matters, including the following:

- a) Review of Administrative Decisions. Section 23.03(b) provides for the exercise of this authority by the ZBA. Accordingly, the City Council, sitting as the ZBA for purposes of the instant appeal, has the authority to hear and decide appeals where it is alleged by the appellant (i.e. BDS) that there is error in any decision made by any administrative body or official in interpreting or enforcing any provision of the zoning ordinance. In reviewing administrative decisions, Council review shall be based on the record of the administrative decision being appealed without consideration of new information which had not been presented to the administrative decision maker from whom the appeal is taken. City Council, sitting as the ZBA, shall not substitute its judgment for that of the administrative official being appealed and the appeal shall be limited to determining, based on the record, whether the administrative official breached a duty or discretion in carrying out the provisions of the zoning ordinance.
- b) Interpretation. The City Council, sitting as the ZBA, shall have the authority to hear and decide requests for interpretation of the zoning ordinance. Interpretive decisions shall be made so that the spirit and intent of the zoning ordinance is preserved. Text interpretations shall be limited to the issues presented and shall be based upon a reading of the zoning ordinance as a whole and shall not have the effect of amending the zoning ordinance. Reasonable and practical interpretations which have been applied in the administration of the ordinance shall be considered. Prior to deciding a request for an interpretation, City Council, sitting as the ZBA, may obtain recommendations and opinions from staff and consultants to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. Courts give substantial deference to a local legislative body’s interpretation of its own ordinances.
- c) Variances. City Council, sitting as the ZBA, may grant variances from the strict letter and terms of the zoning ordinance by varying or modifying any requirement or provision so that the spirit of the ordinance is observed, public safety secured, and substantial justice

done. There are two types of variances, a “use” variance and a “non-use” variance. A “use” variance allows a use of property that is not expressly permitted under the zoning ordinance. In so far as a provisioning center is a permitted (albeit regulated) use in a C-2 zoning district, the instant appeal does not suggest the need for a use variance. A “non-use” variance is a variance from any standard or requirement of the zoning ordinance, such as a deviation from a limitation on the number of facilities, setbacks, etc. As an alternative form of relief, BDS requests non-use variances from the limitations on the number of provisioning centers in the City and a variance from the applicable setback requirements. A non-use variance may be granted only upon finding a “practical difficulty” exists. A finding of practical difficulty requires demonstration by the applicant of all the following:

- 1) Strict compliance with the ordinance requirement will unreasonably prevent the owner from using the property for a permitted purpose or will be unnecessarily burdensome.
- 2) The requested variance will do substantial justice to the applicant and other property owners.
- 3) A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
- 4) The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
- 5) The problem and resulting need for the variance has not been self-created by the applicant and/or applicant’s predecessors.

In variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or other evidence from which Council may make the required findings. Administrative officials may, but shall not be required to, provide information, testimony and/or evidence on a variance request. Form motions for granting or denying a non-use variance have been attached.

Overview of Marijuana Facility Laws, Ordinances and Rules

Section 21.50(g) of the Marijuana Facilities ordinance states the City “shall take action on the application according to the applicable review criteria and procedures in section 21.28 and the provisions specific to Marijuana Facilities as set forth in this zoning ordinance.” Under both state law and local ordinance, a decision rejecting site plan approval shall be based on lack of compliance with requirements and standards contained in the zoning ordinance, other applicable ordinances, and/or state and federal statutes. *See, MCL 125.3501(4) and sections 21.28 G. 8.a.iii. and/or section 21.50(g) of the City’s zoning ordinance.* Site plan approval is required only upon a showing of compliance with conditions imposed under the zoning ordinance, other applicable ordinances, and state and federal statutes. *MCL 125.3501(5).* Other applicable laws include requirements arising under the Marijuana Facilities Licensing Act, MCL 333.27101, *et seq.* (“Act”) and the Administrative Rules adopted pursuant to the Act (“Rules”). The City’s ordinances, the Act and Rules require state

pre-qualification of the Applicant and/or a full state operating license to operate a Provisioning Center.

In addition to the procedures and requirements arising under section 21.28, section 21.50 adopts additional regulations, review criteria and procedures specific to Marijuana Facilities. The Marijuana Facility specific provisions under section 21.50 include, but are not limited to, the following in relevant part:

- Only three (3) total provisioning centers city wide: two (2) provisioning centers are permitted in a C-2 zoning district and one (1) in the C-1 zoning district.
- A provisioning center cannot be located within 500 ft. of another provisioning center or a school.
- An applicant must either be pre-qualified by the State of Michigan or have been issued a full state operating license for the proposed facility.
- A Marijuana Facility shall comply with all State Administrative Rules adopted pursuant to the Medical Marijuana Facilities Licensing Act and all other applicable requirements arising under the Act.

Resolution 2018-10 adopts local administrative rules and procedures for the processing of Marijuana Facility applications. These local administrative rules include a three-tiered priority system for processing competing applications for the limited number of available approvals for each type of facility. Applications proposing new City water and sewer service to a property previously unserved by City water and sewer service receive first level priority. Applications proposing either new City water service or new sewer service to a previously unserved property receive second level priority. ***An applicant must pay all required tap fees before receiving a first or second level priority.*** Applications proposing \$20,000.00 or more of non-facility specific improvements of a general nature documented by a credible estimate from a qualified contractor receive a third level priority.

Resolution 2018-10 further adopts a preliminary review step in the application review process for purposes of determining whether the application is complete and whether the application on its face makes a preliminary showing of eligibility for further review. If the applicant submits a complete application that makes a facial showing of preliminary eligibility, the application undergoes final review for consideration of final approval. Preliminary review consists of a cursory review of the application for purposes of identifying any readily apparent reason requiring denial such as: the proposed facility is in an improper zoning district; the quota established by ordinance for the proposed facility has been exhausted as of the date of application; unpaid/past due financial obligations owing to the City, etc. The resolution provides that the review process doesn't begin until May 1, 2018, but neither the resolution nor any applicable City ordinances require completion of the review process within any given time frame.

Overview of Appeal

The Applicant, Pincanna, filed a timely written Notice of Appeal seeking Council review and reversal of the administrative denial of the applicant's site plan application for a proposed provisioning center. The applicant's Notice of Appeal ("Appeal") includes a written synopsis of the issues presented, reasons and argument in support of applicant's challenges to the

administrative denial of the site plan application, relief requested and supporting documentation. The Appeal implores Council to exercise its Administrative Review and Variance powers in granting the relief requested by the Applicant. City Council, sitting as the ZBA, may reverse, affirm, vary or modify any order, requirement, decision, or determination presented in a case within its jurisdiction, and to that end, shall have all of the powers of the officer, board or commission from whom the appeal is taken, subject to the applicable scope of review, as specified in the zoning ordinance and/or by law. Council, sitting as the ZBA, may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request.

The Appeal alleges the City erroneously denied Pincanna's site plan application for a provisioning center. As stated above, Council review shall be based on the record of the administrative decision being appealed without consideration of new information which had not been presented to the administrative decision maker from whom the appeal is taken. City Council, sitting as the ZBA, shall not substitute its judgment for that of the administrative official being appealed and the appeal shall be limited to determining, based on the record, whether the administrative official breached a duty or discretion in carrying out the provisions of the zoning ordinance.

In support of its claim that the City erroneously denied its site plan application, Pincanna argues that its application qualified for first level priority and the City should have made a decision on its application before taking action on the Apex Ultra and/or Attitude Wellness applications which were filed after the Pincanna application. However, the priorities for processing and taking action on competing applications are based on the applicant making certain qualifying improvements (i.e. new water/sewer taps, cost of site improvements) *not the order of filing the application*. Consequently, a later filed application perfecting a first/second/third level of priority must be acted upon and decided before an earlier filed application that fails to perfect any level of priority. Here, Pincanna never perfected a first or second level of priority because it is undisputed that Pincanna never paid the required tap fees for the new water/sewer taps that it proposed for the first time by way of its January 20, 2020 site plan application.

Furthermore, Pincanna did not perfect a third level of priority until it submitted a contractor estimate for the proposed improvements with its January 20, 2020 site plan application, more than six months after the second and final C-2 Provisioning Center approval had been awarded to Attitude Wellness by the planning commission at the July 2019 meeting. Both approved provisioning centers proposed new construction, and both therefore proposed new water and/or sewer taps for their new facilities. Both approved applicants timely paid the required tap fees. Both approved provisioning center applicants timely submitted credible contractor estimates documenting non-facility specific improvements that approach or exceed one million dollars respectively.

Accordingly, both approved provisioning centers perfected a first, second and third level of priority over the Pincanna application when their respective site plans were approved by the planning commission in May and July of 2019. As of July 2019 when the second and final C-2 Provisioning Center approval was awarded to Attitude Wellness, Pincanna still had not perfected any level of priority and the City appropriately took action on the two approved priority applications prior to taking action on Pincanna's non-priority application as required by the city's administrative procedural rules.

Once the City completed processing of the higher priority applications and moved to the lower and/or non-priority applications, including the Pincanna application, the City's quota had been exhausted as no Provisioning Center site plan approvals remained in the C-2 zoning district. Furthermore, because the previously approved Apex Ultra Facility located across the street is less than 500' from the proposed Pincanna facility, the Pincanna application failed to qualify for approval due to lack of compliance with the 500 ft. set back requirement. Pincanna also failed to submit documentation confirming state pre-qualification and Pincanna does not contend that it has been pre-qualified by the state of Michigan at any time. Consequently, the Pincanna application further failed to qualify for approval due to lack of required state pre-qualification of the Applicant.

The Appeal requests non-use variances from certain provisions of the city's ordinances (i.e. numerical limitations and setbacks) as an alternative form of relief. The Appeal includes a completed variance request form setting forth the Applicant's proffered reasons and basis for the requested variances. In variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or other evidence from which Council may make the required findings. Administrative officials may, but shall not be required to, provide information, testimony and/or evidence on a variance request. Form motions for granting or denying a non-use variance have been attached.

Hearing Procedure

The hearing is a meeting subject to the Open Meeting Act and open to the public. In so far as the Council is sitting as the ZBA, the hearing format should generally follow the same format typically employed by the ZBA which includes allowing the applicant to address council and present its appeal, allowing members of the public and interested parties to address Council which will likely include representatives of previously approved applicants, hearing evidence for the limited purpose of considering a request for a variance and demonstrating a practical difficulty. In the event Council requires additional time to consider matters presented in the Appeal or to receive any requested recommendations or opinions from staff and consultant's, Council may postpone any decision on the Appeal to a later date. The decision on the Appeal may be in a writing approved by Council and signed by the Chairperson. Council shall prepare an official record of the appeal and shall base its decision on the record. The official record shall include:

- 1) The relevant administrative records and the administrative orders issued thereon relating to the appeal;
- 2) The Notice of Appeal, and
- 3) Such documents, exhibits, photographs, or written reports as may maybe submitted to the Council for its consideration.

PROPOSED MOTION TO GRANT "NON-USE" VARIANCES

I move that we ***grant*** the variance(s) in Case No. _____, sought by _____, for _____ as the Petitioner has established that strict compliance with applicable zoning requirements causes a practical difficulty relating to the property based on the following criteria:

(a) Petitioner has established that the property presents unique circumstances not generally applicable in the area or to other similarly zoned properties creating a need for the requested variance due to _____.

(b) The need for the variance is not self-created, because _____.

(c) Strict compliance with dimensional regulations of the Zoning Ordinance, including _____, will (either):

1. unreasonably prevent Petitioner from using the property for the permitted purpose as a _____, because _____, and/or,
2. will make it unnecessarily burdensome to comply with the regulation because _____.

(d) Petitioner has established the requested variance is the minimum variance necessary to provide substantial relief to applicant consistent with justice to other property owners because a lesser variance would not _____.

(e) The requested variance will do substantial justice to both the applicant and other property owners because of one or more of the following (either or both):

- 1) It will not cause material adverse impact on surrounding property, property values, or the enjoyment of property in the neighborhood or zoning district, or;
- 2) Because: _____.

(h) ***The variance granted is subject to the conditions that:***

1. _____,
2. _____,
3. _____.

PROPOSED MOTION TO DENY "NON-USE" VARIANCE

I move that we deny the variance in Case No. _____, sought by _____, for _____ because the Petitioner has not established a practical difficulty because:

(a) Petitioner has shown no unique circumstance or physical condition of the property creating a need for the requested variance because _____

(b) Petitioner has not shown the requested variance will do substantial justice to both the applicant and other property owners because of one or more of the following (either or both):

1) Petitioner failed to show it will not cause a material adverse impact on surrounding property, property values, or the enjoyment of property in the neighborhood or zoning district, or;

2) Because:

_____.

(c) The need for the variance is self-created by petitioner and/or his/her predecessors because _____

_____.

(d) Conforming to the ordinance would not (either):

1. be _____ unnecessarily _____ burdensome because: _____,

or,

2. unreasonably prevent petitioner from using the property for _____, because _____.

(e) A lesser variance consisting of _____ would give petitioner substantial relief and substantial justice to surrounding property owners because _____.

GENERAL NOTES

EXHIBIT 1



City of Walled Lake

1499 E. West Maple Rd
www.walledlake.com

Phone: (248) 624-4847
Fax: (248) 624-1616

**ZONING/SITE PLAN APPLICATION
APPLICATION FORM
Medical Marihuana Facility**

Ordinance C-334-17, Medical Marihuana Facility Zoning Ordinance

Pursuant to the City of Walled Lake Ordinance C-334-17, Medical Marihuana Facility, the following application is intended to collect information and documentation establishing the applicant's conformance with the ordinance. All applicants should note that site plan approval of a Medical Marihuana facility will be based upon the accuracy and completeness of the information provided. In the event applications are received in excess of the permitted number of locations within the Ordinance or two or more applicants have similar qualifications, the City of Walled Lake reserves its right to approve a permit which in the opinion of the City best meets its goals and safeguards as set forth in the ordinance or any applicable administrative rules adopted by the City. No financial or other right is established by the payment of the non-refundable application fee. All applications for renewal of a permit shall be reviewed per the standards set forth in the Ordinance. The City of Walled Lake reserves the right to approve or deny the license based upon the failure of any applicant to establish to the satisfaction of the City any requirement, standard or goal of the ordinance. The applicant understands this determination may involve a subjective interpretation of the application. Any license granted by the City is conditional upon all conditions established by applicable code, ordinance or rule including, without limitation, the State of Michigan granting a state license for the specific license applied for under this ordinance. This is step one (1) of two (2) to be eligible to apply for an Operating License.

SECTION A- GENERAL – OFFICE USE ONLY

1. Type of Facility Approval Requested (check all boxes that apply):

- Class "C" Grower Facility
- Provisioning Center
- Processor
- Secure Transporter
- Safety Compliance Facility

Name of Applicant: _____

2. Date and Time of Application: _____

(a) Submitted : Date: ___ Time: ___

(b) Completed: Date: _____ Time: _____

3. Initial Application shall include nonrefundable \$500 preliminary review fee and \$250 site plan application fee for each facility applied for. The application shall also include a consultant review fee required by applicable or license or fee schedule.

\$500.00 Non-Refundable (collected in the form of a cash escrow) Fee paid on: _____

Site Plan Application Fee(s) paid on: _____

Consultant Review Fee of \$ _____ was paid on: _____

SECTION B- APPLICANT

Pincanna, LLC, a Michigan limited liability company on behalf of itself

4. Name of Applicant : and its designated assignee PincannaRx-Walled Lake, Inc. A Michigan Corporation to be formed. D/B/A PincannaRx

Authorized Signer (if not an individual): Steven Schafer

Address of Applicant: 31400 Northwestern Highway, Suite H

Farmington Hills, MI 48334

Phone Number: (248) 613-6262

E-mail Address: info@pincannarx.com

Sole Proprietor Partnership

Corporation Limited Liability Company

Other: _____

5. If entity is Sole Proprietor, state Owner/Proprietor's date of birth: _____ and provide a copy of photo identification.

6. If other than Sole Proprietor, list name, address and date of birth of all owners and provide copies of photo identification and percentage of ownership.

	Name	Address	Date of Birth	% of Ownership
1.	*See Attachment,			
2.	Exhibit 1			
3.				
4.				

7. Name and address, phone number, date of birth and photo identification of all anticipated employees of facilities not listed as owners. (This information must be provided and supplemented before any future employee not listed begins working at facility)

	Name	Address	Date of Birth
1.	*See Attachment		
2.	Exhibit 2		
3.			
4.			

8. Whether the Applicant and/or proposed City Permittee or any investor in the proposed Marijuana Facility has an interest in any other Marijuana Facility and, if so, the type and location of each facility. *See Attachment, Exhibit 3
-
-

9. If the Applicant or owner or any operator is a licensed caregiver or patient under the Michigan Medical Marihuana Act, please list their name and address, and caregiver or patient ID number issued by the State of Michigan. *See Attachment, Exhibit 4
-
-

10. For any corporation or other legal entity who has a financial interest or affiliation with the requested permit, please state the following;

Name: Compassionate Advisors Holding, LLC

Name of Authorized Signer: Steve Schafer

Address: 31400 Northwestern Highway, Suite H
Farmington Hills, MI 48334

Interest or Affiliation: Parent Company

SECTION C- FACILITY LOCATION

11. Name of proposed facility: PincannaRx

12. Location of proposed facility: 1877 E. West Maple Road, Walled Lake, MI 48390

13. A plan of the site including depiction of all buildings, structures, parking, outdoor storage or processing facilities including the following:

- i. Diagram of the Marijuana Facility including, but not limited to, its size and dimensions, specifications, physical address, location of common entryways, doorways, passageways, means of public entry or exit, limited access areas within the facility, and indication of the distinct areas or structures at a same location as provided for in Rule 24 of the Rules;
- ii. A floor plan, drawn to scale, showing the layout of the Marijuana Facility and the principal uses of the floor area depicted therein, including dimensions, maximum storage capabilities, number of rooms, dividing structures, fire walls, entrances and exits and a detailed depiction of where any uses other than marijuana related uses are proposed to occur on the premises;
- iii. A detailed description of all marijuana storage facilities and equipment including enclosed, locked facilities, if any, as may be required by the Act. Storage of marijuana shall comply with applicable Rules adopted pursuant to Section 206 of the Act.
- iv. Means of egress, including, but not limited to, delivery and transfer points;
- v. If the proposed Marijuana Facility is in a location that contains multiple tenants and any applicable occupancy restrictions;
- vi. description of the products and services to be provided by the Marijuana Facility, including retail sales of food and/or beverages, if any, and any related accommodations or facilities;
- vii. Building structure information including new, pre-existing, free-standing, or fixed. Building type information including commercial, warehouse, industrial, retail, converted property, house, building, mercantile building, pole barn, greenhouse, laboratory or center;
- viii. Any proposed outdoor uses or operations related to the facility

Attach as Exhibit "A"

Document(s) attached

If not attached, why not and when is applicant expected to supplement: _____

- 14. With respect to the location of the facility, please state with specificity the exact location, address, suite number and, if necessary, the location of the facility within a building or the parcel of land. This location should include the distance in feet from each property line and any school or existing provisioning center located within a radius of 1,500 feet. An area map, drawn to scale, shall be provided indicating, within a radius of one thousand five hundred feet (1,500 ft.) from the boundaries of the proposed Marijuana Facility site, the proximity of the site to any school, existing Marijuana Facility, recreational facility, church, public or private park, or to any residential zone, structure

or use.

Attach as Exhibit "B"

Document(s) attached

If not attached, why not and when is applicant expected to supplement: _____

- 15. Please provide evidence of the Applicant's property interest in the proposed location and a copy of any lease or rental agreement pertaining to the proposed Marijuana Facility premises. Provide copies of documentation showing a legal and enforceable property interest. Attach as Exhibit "C".

Document(s) attached

If not attached, why not and when is applicant expected to supplement: Landlord of applicant has, together with Applicant, agreed to cooperate and provide whatever supplemental documentation the City may require.

- 16. Identification of each type of Marijuana Facility License applied for (e.g. grower, provisioning center, etc.) and a detailed description of all services, products, items, uses, operations or merchandise produced, sold, offered, conducted or provided by the proposed Facility:

*See Attachment, Exhibit 5

- 17. Please identify the zoning district of the facility. C2-General Commercial District

SECTION D- FACILITY REQUIREMENTS

- 18. When available, submit to the City a copy of the Applicant's application for a license submitted to the State of Michigan, Department of Licensing and Regulatory Affairs, for each city operating license requested.

Attach as Exhibit "E".

Document(s) attached

If not attached, why not and when is applicant expected to supplement: Applicant will submit application to the State upon receipt of license approval from the City of Walled Lake

- 19. Is consumption and/or use of medical marihuana prohibited at the Facility?

Yes No

- 20. Will all activity related to the Facility be done indoors?

Yes No

- 21. Will all Medical Marihuana contained within the building be in a locked Facility in accordance with the Michigan Medical Marihuana Facilities Licensing Act, as amended?

Yes No

22. A description of an operating plan for the proposed Marijuana Facility including the following:

- i. A description of the products and services to be provided by the Marijuana Facility, including retail sales of food and/or beverages, if any, and any related accommodations or facilities; *See Exhibit 5
- ii. A floor plan, drawn to scale, showing the layout of the Marijuana Facility and the principal uses of the floor area depicted therein, including a detailed depiction of where any uses other than marijuana related uses are proposed to occur on the premises; *See Exhibit A
- iii. A detailed description of all marijuana storage facilities and equipment including enclosed, locked facilities, if any, as may be required by the Act. *See Exhibit A Attach as Exhibit "F"

Document(s) attached

If not attached, why not and when is applicant expected to supplement: _____

23. Do you understand, agree and accept that by signing and submitting this application that issuance or renewal of a City operating License constitutes unconditional and irrevocable acceptance and agreement by the City Licensee and all persons and entities operating under a City operating license or otherwise utilizing the facility to hold harmless, defend and indemnify the City, including its agents, employees and officers and officials to the fullest extent permitted by law for any and claims, damages, injuries or liabilities at law or equity in any way arising out of related to any acts, omissions, activities or conditions in any way related to the Marijuana Facility operated under a City operating license.

Yes No

24. Will all necessary building, electrical, plumbing and mechanical permits obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices are located?

Yes No

25. When available and prior to the issuance of any permit, the Applicant must submit all necessary building, electrical, plumbing and mechanical permits, as well as documented approval by the Walled Lake Fire department showing compliance with the Michigan Fire Protection Code and confirmation that the storage of any chemical, herbicide, pesticide and or fertilizer has also been approved by the Walled Lake Fire Department. Attach as Exhibit "G".

Document(s) attached

If not attached, why not and when is applicant expected to supplement: _____

Upon issuance of license and construction of facility improvements

26. In any portion of the structure where the storage of any chemicals such as herbicides, pesticides, and/or fertilizers, do you agree to be subject to inspection and approval by the Walled Lake Fire Department to ensure compliance with the Michigan Fire Protection Code?

Yes No

27. Will you ensure that no other uses, other than accessory uses, will be permitted within the same Facility other than those associated with cultivating, processing, transporting or testing medical marihuana?

Yes No

28. Please state and/or provide documentation showing the plan that all litter and waste will be properly and safely removed and will not constitute a source of contamination in areas where medical marihuana is exposed. Further, please include how the applicant will dispose of rubbish so as to minimize the development of odor and minimize the potential for development of waste odor and waste from becoming an attractant, harborage or breeding place for pests. Please include a detailed description of the ventilation system. Attach as Exhibit "H".

Document(s) attached

If not attached, why not and when is applicant expected to supplement: _____

a) Will litter and waste be properly removed and the operating systems for waste disposal maintained in an adequate manner so that they do not constitute a source of contamination in areas where medical marihuana is exposed?

Yes No

b) Will floors, walls and ceilings be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair?

Yes No

c) Will there be there adequate screening or other protection against entry of pests, and will rubbish be disposed of so as to minimize the development of odor, minimize the potential for development of waste odor, and minimize the potential for waste becoming an attractant harborage or breeding places for pests?

Yes No

d) Will all buildings, fixtures and other facilities be maintained in a sanitary condition?

Yes No

e) Will each Facility center provide its occupants with adequate and readily accessible toilet facilities that will be/are maintained in a sanitary condition and in good repair?

Yes No

29. Please state how the Applicant intends to avoid excessive noise, dust, vibrations, glare, fumes or odors detectable to the normal senses beyond the boundaries of the property. Attach as Exhibit "I".

Document(s) attached

If not attached, why not and when is applicant expected to supplement: _____

a) Will each Facility be operated in a manner that does not create excessive noise, dust, vibrations, glare, fumes or odors detectible to the normal senses beyond the boundaries of the property on which that Medical Marihuana Facility will operate/operates or in violation of any other ordinance?

Yes No

30. Please provide the plan and supporting documentation showing that all disposal systems for spent water and spent soil have been adequately and safely disposed of and accounted for.

Attach as Exhibit "J".

Document(s) attached

If not attached, why not and when is applicant expected to supplement: _____

31. Please provide a security and safety plan, and at a minimum showing the facilities surveillance systems and continuous monitoring systems of the entire premise as required by the ordinance.

Attach as Exhibit "K".

Document(s) attached

If not attached, why not and when is applicant expected to supplement: _____

a) Will the Facility continuously monitor the entire premises with surveillance systems that include security cameras operating 24 hours a day, 7 days a week, every day of the year, and will these recordings be maintained for a period of at least 30 days?

Yes No

32. Please state and/or show the exterior signage or advertising identifying the facility, including a copy and any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas, such as: groceries, meats, dairy products, baked goods, or other foods, drugs, dry goods, any notions, or floral shops and not more than one (1) Marijuana Provisioning Center.

Attach as Exhibit "L".

Document(s) attached

If not attached, why not and when is applicant expected to supplement: _____

a) Do you understand and agree that any exterior signage or advertising identifying the Facility as a medical marihuana facility is regulated by both state and local

law and must comply with both state and local requirements? Yes No

SECTION E- BUSINESS OPERATIONS AND SECURITY

33.

Active Hours of Operations:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	1:00 PM	10:00AM	10:00AM	10:00 AM	10:00 AM	10:00AM	10:00AM
Close	5:00 PM	8:00 PM	8:00 PM	8:00 PM	8:00 PM	8:00 PM	8:00 PM

34. Will security guards be provided? If yes, how many? one
 Yes No

35. Days and Hours security guards will be provided:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
24 Hrs?*	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No
Start	1:00PM	10:00AM	10:00AM	10:00AM	10:00AM	10:00AM	10:00AM
Finish	5:00PM	8:00PM	8:00PM	8:00PM	8:00PM	8:00PM	8:00PM

*If any day is not 24 hrs., please enter Start and Finish times.

SECTION F- BACKGROUND

36. Have you previously operated in this City or any other County, City, or State under a Medical Marijuana/Marihuana License or Permit?

Yes No

37. Have any of the previously issued licenses or permits mentioned above been revoked or suspended?

Yes No

If yes, provide an explanation for the revocation/suspension below.

38. Is the Applicant or Authorized Signer currently licensed by any governmental agency to engage in any business?

Yes No

39. If yes to questions 34, 35 or 36, please list each such license or permit held, the city or state in which it is held, and expiration date thereof.

Not Applicable

40. Has the Applicant or any stakeholder been convicted or incarcerated for a felony within the past ten (10) years or ever been convicted of an illegal substance related felony?

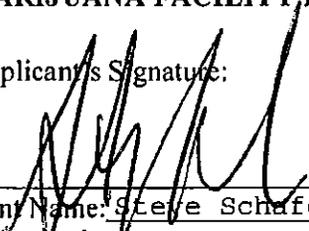
Yes No

If yes, list the associated criminal case number(s), the statute(s) violated, the date(s) of conviction, the date(s) of imposition of probation and/or parole, and the name and address of the sentencing court.

Not Applicable

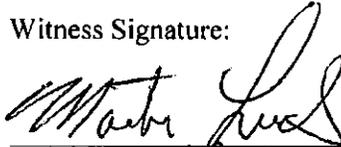
I HEREBY CERTIFY UNDER OATH AND PENALTY OF PERJURY THAT ALL THE INFORMATION CONTAINED IN THIS APPLICATION IS COMPLETE, TRUE AND ACCURATE. I UNDERSTAND THAT ANY OMISSIONS OR INACCURATE INFORMATION OF THE APPLICANT, MY AGENTS OR EMPLOYEES WILL DISQUALIFY MY APPLICATION FROM CONSIDERATION. I FURTHER CERTIFY I HAVE LEGAL AUTHORITY TO MAKE APPLICATION FOR THE PROPOSED MARIJUANA FACILITY LICENSE(S) AT THE PROPOSED LOCATION.

Applicant's Signature:



Print Name: Steve Schafer
Title: member

Witness Signature:

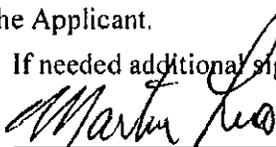


Print Name: Martin Lustig
Title: _____

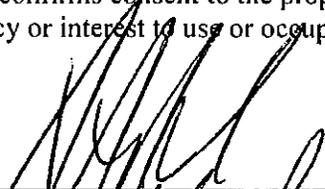
Dated: 4/2/2018

An application shall also be signed and dated by the property owner, or his/her duly authorized agent, of the premises where the proposed Marijuana Facility will be located certifying that the property owner has reviewed and been provided with a complete copy of the application and consents to use and occupancy of the premises as a Marijuana Facility as described and referenced in the application. Execution of an application by a property owner merely confirms consent to the proposed use and neither creates nor conveys any property right, expectancy or interest to use or occupy the premises by the Applicant.

If needed additional signatures:



Print Name: Martin Lustig
Title: Property Owner



Print Name: Steve Schafer
Title: _____

LIST OF DOCUMENTS TO PROVIDE WITH APPLICATION

(Where applicable, an attached document(s) may satisfy more than one requested document. If so, please identify the appropriate responsive Exhibit or document in the space provided.)

Application Documents

Exhibit A & B: Floor plan or drawings to scale and elevations as required by City of Walled Lake Ordinance No. C-334-17 with location plan showing surrounding area as required by Ordinance.

not: _____

Exhibit C: Copy of Proof of Ownership, Purchase Agreement, Lease, or options for the site where the Medical Marihuana Facility will be operated. (If leased, signed document by owner consenting of the lease to the site for a Medical Marihuana Facility).

not: _____

Exhibit D: Copy of map and/or other documents in response to question 15.

not: _____

Exhibit E: Copy of the Applicant's application for license submitted to the State of Michigan, Department of Licensing and Regulatory Affairs.

not: License for this location may not be filed with the State until license is issued by the City of Walled Lake

Exhibit F: Copy of operations statement, plan and or outline showing facility activities shall occur indoors and in locked building.

not: _____

Exhibit G: Copy of all necessary building, electrical, plumbing and mechanical permits, as well as documented approval by the Walled Lake Fire Department showing compliance.

not: These permits will be obtained following issuance of license by the City of Walled Lake

Exhibit H: Copy of plan for litter and waste removal and detailed description of ventilation system.

not: _____

Exhibit I: Copy of plan to avoid excessive noise, dust, vibrations, glare, fumes or odors.

not: _____

Exhibit J: Copy of plan and supporting documents showing disposal of spent water and soil safety plan.

not: _____

Exhibit K: Description of a security and safety plan as required in the City of Walled Lake Ordinance No. C-334-17 for Medical Marihuana Facility.

not: _____

Exhibit L: Any proposed text or graphical materials to be shown on the exterior of the proposed facility.

not: _____

Additional Documents

1. Copy of Articles of Incorporation or Limited Liability company or Partnership Agreement or assumed name certificate.

not: to be provided within 10 days

2. Copy of Internal Revenue Service SS-4 EIN confirmation letter.

not: to be provided within 10 days

3. Copy of Operating Agreement for LLC or Bylaws of Corporation of Partnership.

not: to be provided within 10 days

4. Staffing plan.

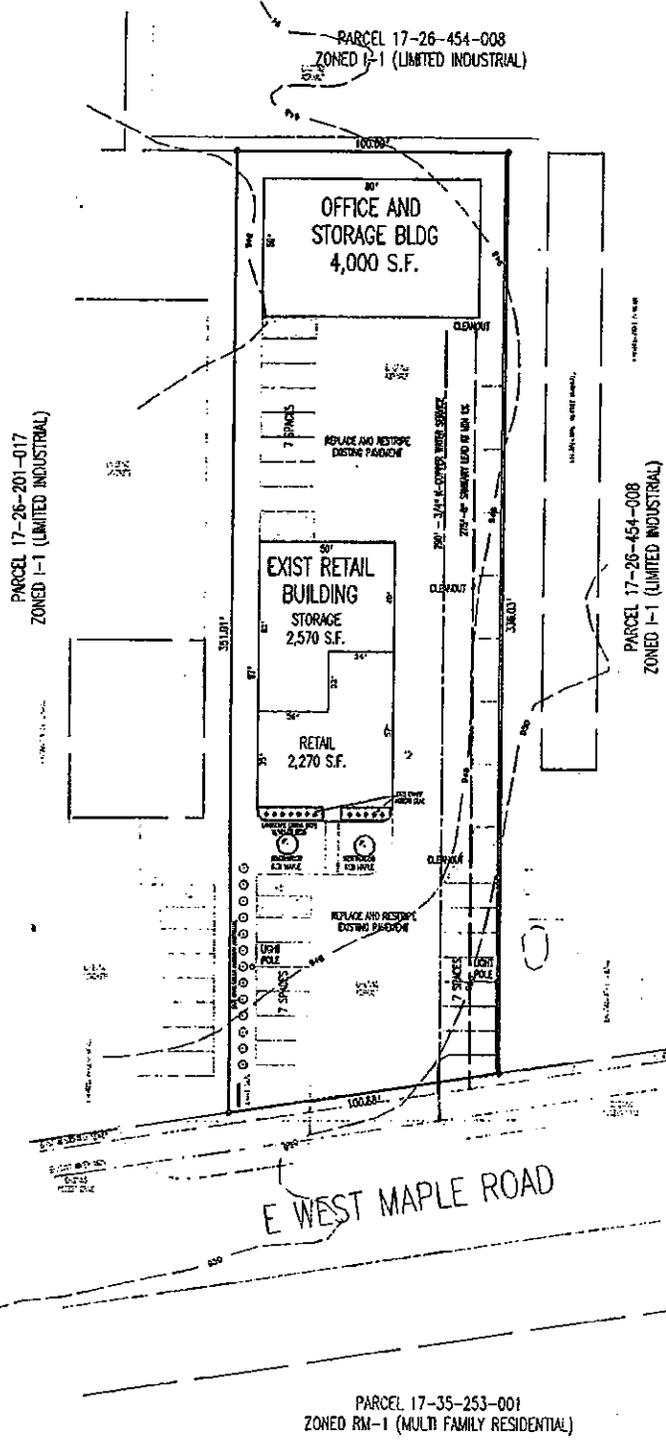
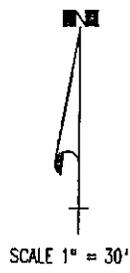
not: _____

5. Proof of insurance showing compliance with City Ordinance.

not: see attached

6. Executed Affirmation of Stakeholder

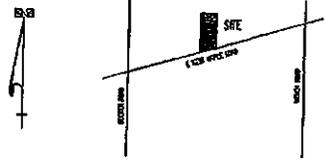
not: _____



DATE	REVISION	DATE	REVISION	DATE	REVISION



Creative Land Plannir
 LAND PLANNING * CONSULTING * PRO.
 31400 NORTHWESTERN HIGHWAY
 FARMINGTON HILLS, MICHIGAN
 PH (248) 932-7500 FAX (248) 932-7501



LOCATION MAP

EXISTING	LEGEND	PROPOSED
---	STORM SEWER	---
---	SEWER MAIN	---
---	WATER MAIN	---
---	WATER LINE	---
---	ELECTRICAL CABLE	---
○	STORM MANHOLE	○
○	CATCH BASIN	○
○	WELL	○
○	REAR YARD CATCH BASIN	○
○	OLD SECTION	○
○	SEWER MANHOLE	○
○	GATE VALVE AND WELL	○
○	HYDRANT	○

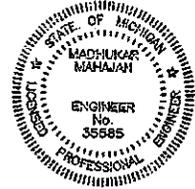
DESCRIPTION

A PORTION OF SECTION 35, T-2-N, R-4-E, CITY OF WALLED LAKE, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS THE EASTERN 10 FEET OF LOT 4 AND ALL OF LOT 10 OF ASSESSOR'S CITY OF WALLED LAKE PLOT NO. 1, CONTAINING 0.79 ACRES, MORE OR LESS.

SITE DATA

- 1) PARCEL 17-35-201-018
- 2) SITE AREA - 0.79 ACRES +/-
- 3) EXISTING ZONING - I-1 (LIMITED INDUSTRIAL)
- 4) SETBACKS

ACQUIRED	FRONT SETBACK	EXISTING
50 FEET	(DUPLEX ROAD)	40 FEET
10 FEET	SIDE SETBACK	20 FEET TOTAL
25 FEET	REAR SETBACK	10 TO 25 FEET

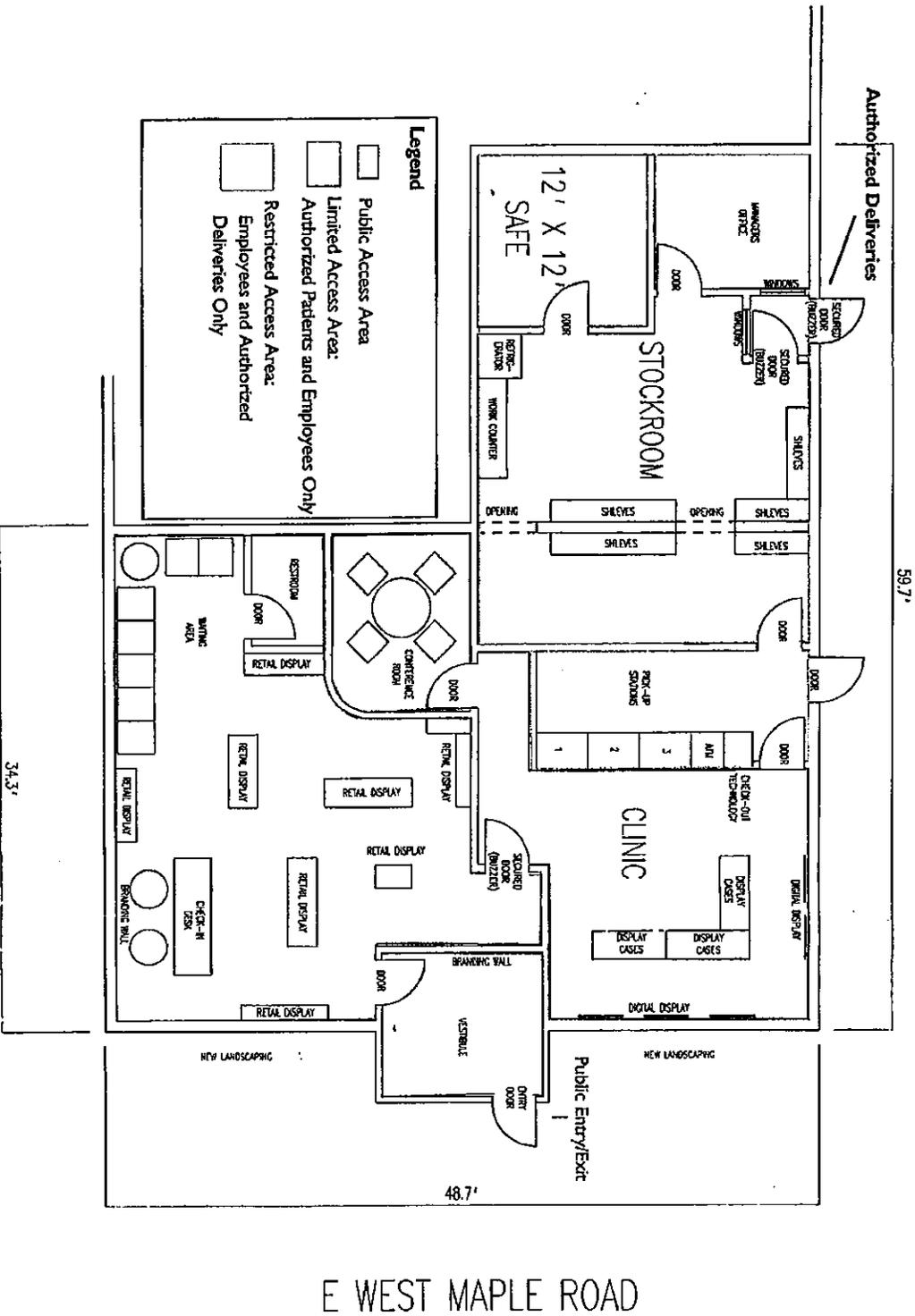


Design Management
 PROPRIETOR:
 MR. MARTIN LUSTIG
 1877 E WEST MAPLE ROAD
 WALLED LAKE, MICHIGAN 48390-3821
 PH (248) 260-2400

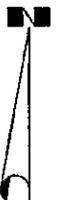
GWP REDEVELOPMENT PLAN
 1877 E WEST MAPLE ROAD
 CITY OF WALLED LAKE, OAKLAND COUNTY, MICHIGAN

DRARY P#	DATE JAN 2018
DESIGN P#	SCALE 1" = 30'
SECTION 35	SHEET 1 OF 1
T-2-N, R-4-E	NO. 17181-51

Pincanna
 1877 E. West Maple Road
 Walled Lake, Michigan 48390



E WEST MAPLE ROAD



SCALE 1/4" = 1'-0"

PROPRIETOR:

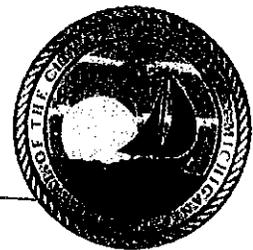
PINCANNA RX
 31400 NORTHWESTERN HIGHWAY
 SUITE H
 FARMINGTON HILLS, MI 48334
 PH (248) 613-6262

EXHIBIT 2

CITY OF WALLED LAKE

Site Plan Review Application

2014



**CITY OF WALLED LAKE
APPLICATION FOR SITE PLAN REVIEW**

NOTICE TO APPLICANT: Applications for Site Plan Review must be submitted to the City *in substantially complete form*. The application must be accompanied by the data specified in the Zoning Ordinance and Site Plan Review Checklist (attached), plus the required review fees. Regular meetings of the Planning Commission are held on the second Tuesday of each month at 7:30 p.m. All meetings are held at the Walled Lake City Hall, 1499 E. West Maple Road, Walled Lake, Michigan 48390. Phone number (248) 624-4847.

TO BE COMPLETED BY APPLICANT:

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

Applicant: Pincanna, LLC

Mailing Address: 31400 Northwestern Highway, Suite H, Farmington Hills, MI 48334

Telephone: 248-613-6262 Fax: 248-932-0128

Property Owner(s) (if different from Applicant): Martin Lustig

Mailing Address: 1877 E. West Maple Road, Walled Lake, MI 48390

Telephone: 248-960-2335 Fax: N/A

Applicant's Legal Interest in Property: Lease

Location of Property: Street Address: 1877 E. West Maple Road, Walled Lake, MI 48390

Nearest Cross Streets: Decker Road and E. West Maple Road

Sidwell Number: 17-35-201-018

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.

T2N, R8E, SEC 35 ASSESSOR'S CITY OF WALLED LAKE PLAT NO 1 ELY 10 FT OF LOT 9,

ALSO ALL OF LOT 10

Property Size: (Square Feet): 34412.4 (Acres) 0.79

Existing Zoning (please check):

- | | |
|--------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> R-1A Single Family Residential District | <input checked="" type="checkbox"/> C-2 General Commercial District |
| <input type="checkbox"/> R-1B Single Family Residential District | <input type="checkbox"/> C-3 Central Business District |
| <input type="checkbox"/> RD Two Family Residential District | <input type="checkbox"/> O-1 Office District |
| <input type="checkbox"/> RM-1 Multiple Family Residential District | <input type="checkbox"/> CS Community Service District |
| <input type="checkbox"/> RM-2 Multiple Family Residential District | <input type="checkbox"/> I-1 Limited Industrial District |
| <input type="checkbox"/> MH Mobile Home District | <input type="checkbox"/> P-1 Vehicular Parking District |
| <input type="checkbox"/> C-1 Neighborhood Commercial District | |

Present Use of Property: Retail and service of entertainment and gaming equipment

Proposed Use of Property: Licensed Provisioning Center

Please Complete the Following Chart:

Type of Development	Number of Units	Gross Floor Area	Number of Employees on Largest Shift
Detached Single Family			N/A
Attached Residential			N/A
Office			
Commercial			
Industrial			
Other	1	4,000 square feet	1

Professionals Who Prepared Plans:

A. Name: Paul Boomer

Mailing Address: 31400 Northwestern Highway Suite H Farmington Hills, MI 48334

Telephone: Cell (248) 425-5254 Fax: (248) 928-0128

Primary Design Responsibility: Planner & Designer

B. Name: _____

Mailing Address: _____

Telephone: _____ Fax: _____

Primary Design Responsibility: _____

C. Name: _____
Mailing Address: _____

Telephone: _____ Fax: _____
Primary Design Responsibility: _____

ATTACH THE FOLLOWING:

1. The required fee, 8 copies of site plan (11x17), sealed by a registered architect, engineer, landscape architect or community planner.
2. A brief written description of the existing and proposed uses, including but not limited to: hours of operation, number of employees on largest shift, number of company vehicles, etc.
3. Proof of property ownership.
4. Review comments or approval received from county, state, or federal agencies that have jurisdiction over the project, including but not limited to:
 Road Commission for Oakland County Michigan Department of Environmental Quality
 Oakland County Health Division Michigan Department of Natural Resources

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.

Failure to provide true and accurate information on this application shall provide sufficient grounds to deny approval of a site plan application or to revoke any permits granted subsequent to site plan approval.

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 site plan application.

Signature of Applicant

1/20/2020

Date

Signature of Applicant

Date

Signature of Property Owner Authorizing this Application

Date

TO BE COMPLETED BY THE CITY		Case No.
Date Submitted: _____		Fee Paid:
Received By: _____		Date of Public Hearing:
CITY ACTION		
Approved: _____	Denied: _____	Date of Action:

**CITY OF WALLED LAKE
SITE PLAN REVIEW CHECKLIST**

Each applicant is required to submit certain materials to the City. This checklist is provided as a benefit to the applicant, who must also review the Zoning Ordinance for applicable standards and regulations. Using this checklist will help the applicant in submitting a complete site plan review application. *Failure to submit a complete application can result in delay or denial of the site plan.*

The site plan shall consist of an overall plan for the entire development, drawn to a scale of not less than 1" = 30' if the site is less than five acres, and 1" = 50' if the site is more than five acres. To assist in the processing of applications, please check each applicable item provided in your submission. Please submit a brief written description of the existing and proposed uses of the site including but not limited to gross floor area; hours of operation; number of units; number of employees on largest shift; number of company vehicles; etc. Mark each of the boxes with one of the following: P - Provided, NP - Not Provided, NA - Not Applicable.

	Applicant	Staff	Planning Commission
A. Application Form			
The application form shall contain the following information:			
1. Applicant's name and address.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	P		
2. Name and address of property owner, if different from applicant.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	P		
3. Common description of property and complete legal description.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	P		
4. Dimensions of land and total acreage.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	P		
5. Existing zoning and zoning of all adjacent properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	P		
6. Proposed use of land and name of proposed development, if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	P		
7. Proposed buildings to be constructed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	P		
8. Name and address of firm or individual who prepared site plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	P		
9. Proof of property ownership.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	P		

B. Site Plan Descriptive and Identification Data

Site plans shall consist of an overall plan for the entire development, drawn to a scale of not less than 1 inch=30 feet for property less than 5 acres, or 1 inch=50 feet for property 5 acres or more in size. Sheet size shall be at least 24 inches by 36 inches. The following descriptive and identification information shall be included on all site plans:

	Applicant	Staff	Planning Commission
1. Applicant's name, address, telephone number.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Title block.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Scale.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Northpoint.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Dates of submission and revisions (month, day, year).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Location map drawn to a scale with northpoint.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Legal and common description of property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Written description of proposed land use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Zoning classification of petitioner's parcel and all abutting parcels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Proximity to section corner and major thoroughfares.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. The seal of one of the following professionals registered in the State of Michigan: Registered Architect, Registered Civil Engineer, Registered Landscape Architect, or Registered Professional Community Planner. The Architectural plan of the buildings shall be prepared by and bear the seal of a Registered Architect.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Boundary dimensions of the property. The boundaries of the site shall be clearly differentiated from other contiguous property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Notation of any variances which have been or must be secured.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. The performance guarantees to be provided including the amounts, types, and terms.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. The area of the site in square feet and acres excluding all existing and proposed public right-of-way; and the total area of all building, pavement and other impervious surface.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. The dimensions of all lots and property lines, showing the relationship of the subject property to abutting properties and all required minimum setbacks from the existing or proposed right-of-way and from adjacent properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Applicant	Staff	Planning Commission
17. Information and statement of how applicant proposes to comply with State, Local and Federal laws, as applicable to site or use.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Information and special data which may be critical to the adequate review of the proposed use and its impacts on the site or City. Such data requirements may include traffic studies, market analysis, environmental assessments (including inventory and impact data on flora, fauna, natural resources, hazardous materials, erosion control and pollution), demands on public facilities and services and estimates of potential costs to the City due to failures (as a basis for performance guarantees).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Site Data			
1. Existing lot lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. On parcels of more than one (1) acre, topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a U.S.G.S. benchmark.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Proposed lot lines, lot dimensions, property lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Dimensions and centerlines of existing and proposed roads and road rights-of-way.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Acceleration, deceleration, and passing lanes, where required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Proposed location of access drives and on-site driveways.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Location of existing drainage courses, flood plains, lakes and streams, with elevations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Location and dimensions of existing and proposed interior sidewalks and sidewalks in the right-of-way, in accordance with Section 21.36.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Exterior lighting locations and method of shielding lights from shining off the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Trash receptacle location(s) and method of screening in accordance with Section 21.39.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Transformer pad location and method of screening, if applicable.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Front, side, and rear yard dimensions.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Applicant	Staff	Planning Commission
13. Parking spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Information needed to calculate required parking in accordance with zoning ordinance standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. The location of lawns and landscaped areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Detailed landscape plan in accordance with the requirements of Section 21.35 indicating location, types and sizes of materials. A landscaping and property maintenance plan and schedule for pruning, mowing, watering, fertilizing, and replacement of dead and diseased materials. Cross section of any berms shall be provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. All existing and proposed easements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Designation of fire lanes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Loading/unloading area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. All proposed screen and free standing architectural walls, including typical cross-section and the height above ground on both sides.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. The location of any outdoor storage of material(s) and the manner in which it shall be screened or covered.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. Location and description of all easements for public right-of-way, utilities, access, shared access, and drainage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24. A three (3) foot wide hard surfaced splash area shall be installed in the road right-of-way along the curb edge, plus along both sides of any driveway approach, pursuant to the design and installation standards maintained by the City and in accordance with Section 21.35(d).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Building and Structure Details			
1. Location, height, and outside dimensions of all proposed buildings or structures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Indication of number of stories and number of commercial or office units contained therein.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Typical building floor plans.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Total floor area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Applicant	Staff	Planning Commission
5. Location, size, height, and lighting of all proposed signs..	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Obscuring walls or berm locations with cross-sections where required.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Building façade elevations drawn to a scale of one (1) inch equals four (4) feet, or to another scale approved by the Inspector and adequate to determine compliance with the requirements of the Ordinance. Elevations of proposed buildings shall indicate type of building materials, roof design, projections, canopies, awnings and overhangs, screen walls and accessory buildings, and any other outdoor or roof-located mechanical equipment, such as air conditioning, heating units and transformers that will be visible from the exterior.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Information Concerning Utilities, Drainage, and Related Issues.			
1. Location of sanitary sewers and septic systems, existing and proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Location and size of water mains, well sites, and water service leads, existing and proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Location of hydrants, existing and proposed, with reasonable access thereto for use by public safety and fire fighting personnel.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Location of storm sewers and storm sewer facilities existing and proposed, including storm water retention/detention facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Indication of site grading, drainage patterns, and other storm water control measures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Storm water drainage and retention calculations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Location of gas, electric, and telephone lines, above and below ground.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Types of soils and location of flood plains and wetland, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Assessment of potential impacts from the use, processing, or movement hazardous materials or chemicals, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Soil erosion and sedimentation control measures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Applicant	Staff	Planning Commission
11. Existing ground elevations on the site of appropriate intervals to show drainage patterns, including existing ground elevations of adjacent land within 100 feet of the subject property and existing building, drive and/or parking lot elevations or any adjacent unusual surface conditions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Curbs and gutters, in accordance with Section 21.44.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Information Applicable to Multiple-Family Residential Development.			
1. The number and location of each type of residential unit (one bedroom units, two bedroom units, etc.).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Density calculations by type of residential unit (dwelling units per acre).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Floor plans of typical buildings with square feet of floor area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Building elevations of typical buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Garage and/or carport locations and details, if proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Dedicated road or service drive locations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Community building location, dimensions, floor plans, and elevations, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Swimming pool fencing detail, including height and type of fence, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Location and size of recreation and open space areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Indication of type of recreation facilities proposed for recreation area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. General Notes.			
1. If any of the items listed above are not applicable, the following information should be provided on the site plan:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. A list of each item considered not applicable.			
b. The reason(s) why each listed item is not considered applicable.			
2. Other data may be required if deemed necessary by the City or Planning Commission to determine compliance with the provisions of this Ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1877 E. West Maple Road
Walled Lake, MI 48390
PIN 17-35-201-018

Pincanna, LLC is proposing major site improvements to 1877 E. West Maple Road. These improvements include the construction of a new four thousand square foot building on the rear of the lot. The major site improvements include the addition of two new sewer and water taps on the new construction. This is achieved by installing two hundred and ninety feet of copper line water service from the main water line and two hundred and seventy five feet of sanitary sewer lead from the city serviced sewage main. Other site improvements include significant cosmetic improvements to the existing building's exterior, new landscape features, improved exterior lighting, and replacing and restriping our existing pavement and parking areas. Attached to this statement is a quote from our contractor detailing these services and respective cost estimate.

Currently, the site is the home of Games We Play, an entertainment, pinball, and arcade retail/service center. The owner of this property is also the proprietor of Games We Play, Martin Lustig. Mr. Lustig will move his operation to the rear of the existing building and Pincanna will partition the building and conduct operations in its own portion of the building. Pincanna's portion of the building will not be accessible from Mr. Lustig's portion of the building. Pincanna's proposed operation is a municipally and State of Michigan licensed provisioning facility pursuant to Michigan Public Act 281. The proposed hours of operation are Monday through Saturday, 10:00 AM until 8:00 PM; Sunday, 12:00 PM until 5:00 PM. The maximum number of employees for Games We Play is one and the maximum number for Pincanna is eight.

LOCATION WALLED LAKE

EST

JOB #E18-110

SUBCONTRACTS

SUBCONTRACTS

QTY UNITS SQUARE FT

CO	ST	DESCRIPTION	QTY	UNITS	SQ. FT	EST
		BUILDING COST				
		DIV. SELECTIVE DEMOLITION				
		REMOVE FRONT ENTRANCE AND MAKE READY FOR NEW VESTIBULE REMOVE FRONT FAÇADE AND SHINGLES				\$ 12,000
		REMOVE FRONT WALK FOR NEW ENTRANCE REMOVE DOORS, FRAMES, AND HARDWARE				W/DEMO W/DEMO W/DEMO
		REMOVE ALL INTERIOR WALLS AND CEILINGS REMOVE ALL MECHANICAL AND ELECTRICAL				W/DEMO W/DEMO W/DEMO
		DEMO FOR NEW MASONRY OPENINGS REMOVE CONCRETE FOR NEW UG PLUMBING				\$ 800
		REMOVE FLOORING ADHESIVE				ADD IF REQUIRED
		ASPHALT				
		1 5" MILL AND REPLACE PARKING LOT TO INCLUDE STRIPING				\$ 35,000
		UTILITIES				
		SANITARY TO NEW REAR BUILDING INCL TAP FEES WATER SERVICE TO NEW REAR BUILDING INCL TAP FEES	275	LF LF		\$ 17,000
			290			\$ 8,000
		LANDSCAPING				
		NEW LANDSCAPING AROUND FRONT				\$ 22,000
		DIV. BUILDING CONCRETE				
		FOUNDATIONS AND FLATWORK				
		NEW FOUNDATIONS AT FRONT ENTRANCE EXCAVATION AND BACKFILL				\$ 9,300
		REMOVE SPOILS OFF SITE PATCH SIDEWALK				W/FOOTINGS W/FOOTINGS
						\$ 500
		PATCH SALB FOR UG PLUMBING				\$ 450
		DIV. MASONRY				
		CREATE NEW MASONRY OPENINGS MASONRY LINTELS	2	EA		\$ 4,900
		TOOTH IN BRICK AND BLOCK				W/MASONRY W/MASONRY
		DIV. STEEL				
		MISC STEEL AND LINTELS				\$ 3,500
		DIV. CARPENTRY				
		FAÇADE FRAMING				\$ 10,500
		LONGBOARD SIDING OR SIMILAR				\$ 13,200
		INTERIOR WALL FRAMING AND DRYWALL TAPE AND FINISH DRYWALL				\$ 14,000
		ACOUSTICAL CEILING MILLWORK				W/CARPENTRY
						\$ 2,200
		DIV. THERMAL AND MOISTURE				
		FLUID APPLIED BARRIER BEHIND LONGBOARD SIDING JOINT SEALANTS				W/CARPENTRY
						\$ 8,500
						\$ 1,800
		DIV. ROOFING				
		REMOVE AND RE-ATTACHED ROOFING TO NEW FAÇADE NEW ROOF AT VESTIBULE				\$ 6,900
		COPING AND COUNTERFLASHING FLASH IN ROOFTOP UNITS				W/ROOFING W/ROOFING
		FLASH IN PLUMBING VENT	2	EA EA		W/ROOFING W/ROOFING
			1			
		DIV. DOORS AND HARDWARE				
		SOLID CORE WOOD DOORS HIM DOORS	8	EA EA EA		\$ 13,500
		HIM FRAMES	2	EA		W/DOORS W/DOORS W/DOORS
		BORROWED LIGHT FRAMES HARDWARE	12	EA		W/DOORS
		EGRESS DOOR FRAMES AND HARDWARE AT CLINIC INSTALL DOORS AND HARDWARE	2			\$ 1,450
			12			\$ 3,200
		DIV. GLASS & GLAZING				
		NEW VESTIBULE ALUMINUM AND GLASS MEDIUM STYLE DOORS				\$ 19,200
		INTERIOR DOOR LITES PASS THRU				W/GLASS W/GLASS W/GLASS
		DOOR HARDWARE	2	EA EA		W/GLASS W/GLASS
		ELECTRIC ACCESS TO EXTERIOR DOORS	1			
			2	EA		
		DIV. FLOORING				
		CARPET 15/15Y ALLOWANCE FOR MATERIAL W/ TRN TOILET ROOM				\$ 9,000
		4" VINYL BASE FLOOR MAT AT ENTRY FLOOR PREF				\$ 350
						\$ 900
						\$ 7,500
						\$ 1,200

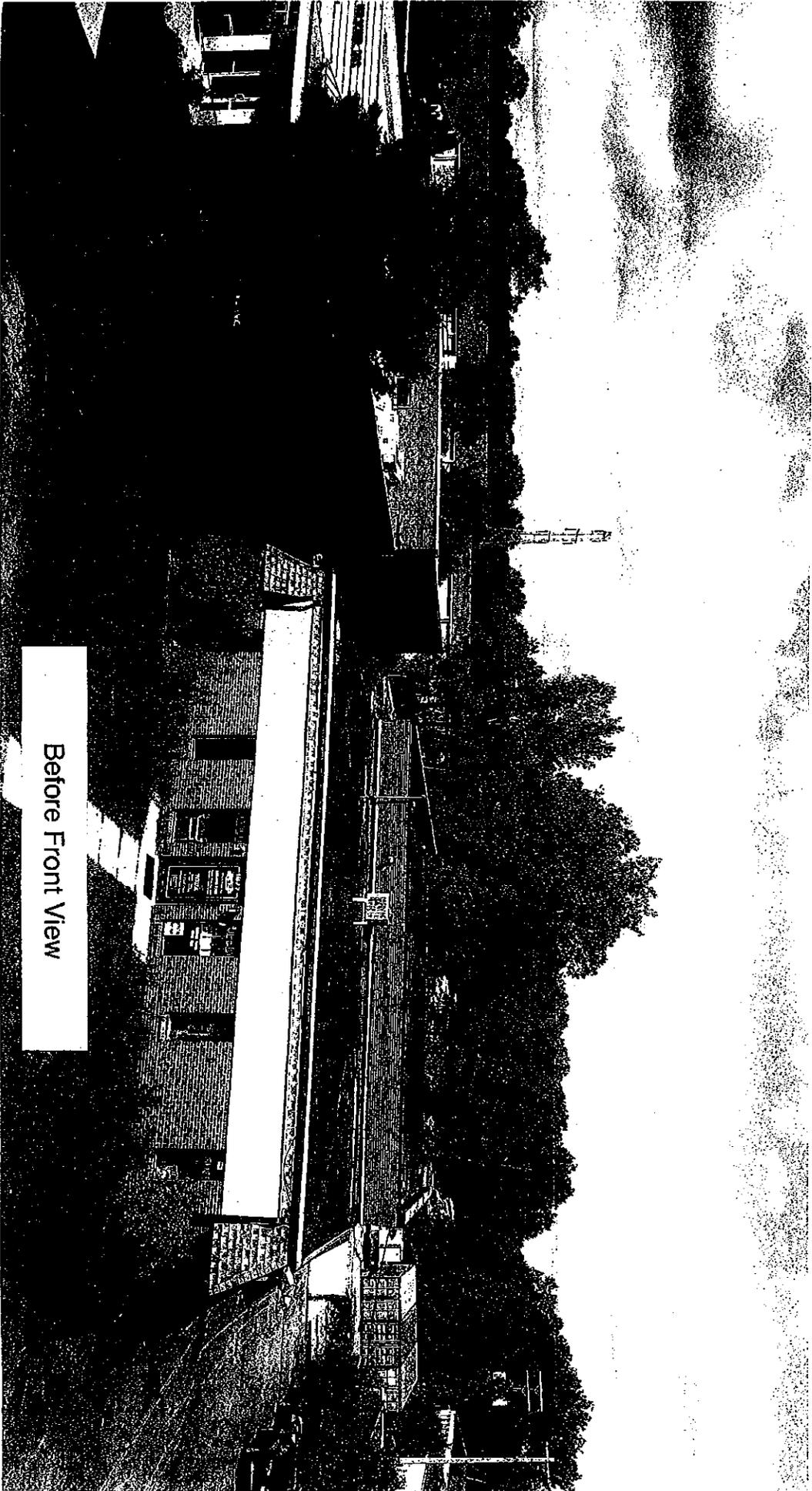
DIV. PAINTING			
PAINTING INTERIOR			\$ 6,500
PAINIT EXTERIOR BRICK	350	SF	\$ 498
INTERIOR CAULKING			WPAINIT
DIV. SPECIALTIES			
TOILET ACCESSORIES			\$ 450
INSTALL TOILET ACCESSORIES FIRE EXTINGUISHERS			\$ 350
			\$ 300
DIV. FIRE SUPPRESSION			
FIRE PROTECTION			
DIV. PLUMBING			
EXCAVATION, REWORK SANITARY AND BACK-FILL WASTE AND VENT PIPE			\$ 9,850
PEX WATER PIPING CONNECTED TO EXISTING NEW PLUMBING FIXTURES			WPLUMBING WPLUMBING
REWORK GAS PIPING TO ROOFTOP UNITS			WPLUMBING WPLUMBING
DIV. MECHANICAL HVAC			
REMOVE OLD ROOFTOP UNITS	2	EA EA	WROOFTOP UNITS
4 TON AND 5 TON NEW ROOFTOP UNITS	1		\$ 19,200
ROOF CURBS, ECONOMIZERS AND SMOKE DETECTORS, NEW TOILET ROOM EXHAUST FAN			W HVAC
NEW DUCTWORK THROUGH OUT DIFFUSERS, GRILLES, AND REGISTERS THERMOSTATS			\$ 1,100
TEST & BALANCE SYSTEM			\$ 19,100
			W HVAC W HVAC W HVAC
DIV. ELECTRICAL			
DISCONNECT AND MAKE SAFE RECEPTACLES	20	EA EA	\$ 21,500
2 X 4 18 3 LAMP LIGHT FIXTURES EXIT AND EMERGENCY LIGHTING	25		WELECTRICAL WELECTRICAL
POWER TO ROOFTOP UNITS AND EXHAUST FAN			WELECTRICAL WELECTRICAL
PARKING LOT LIGHT POLES	5	EA	\$ 25,000
UTILIZE EXISTING ELOECTRICAL SERVICE			WELECTRICAL
FIRE ALARM SYSTEM			\$ 6,250
SUBTOTAL****			\$ 353,782
SUBTOTAL			
01- BUILDERS RISK INSURANCE @ .002			
003- GENERAL CONDITIONS			\$ 1,415
01- ARCHITECTURAL, STRUCTURAL, MECHANICAL, AND ELEC DESIGN FEES, BUILDING PERMIT	10	WKS	\$ 40,000
000- AND PLAN REVIEW FEE	10,000		
01- OVERHEAD & PROFIT			\$ 30,481
018-			
TOTAL			\$ 428,678
RECOMMENDED 10% OWNERS CONTINGENCY FUND			\$
####			
ALUMINUM FACADE TRELLIS AND SIGNAGE			

EXTERIOR IMPROVEMENTS

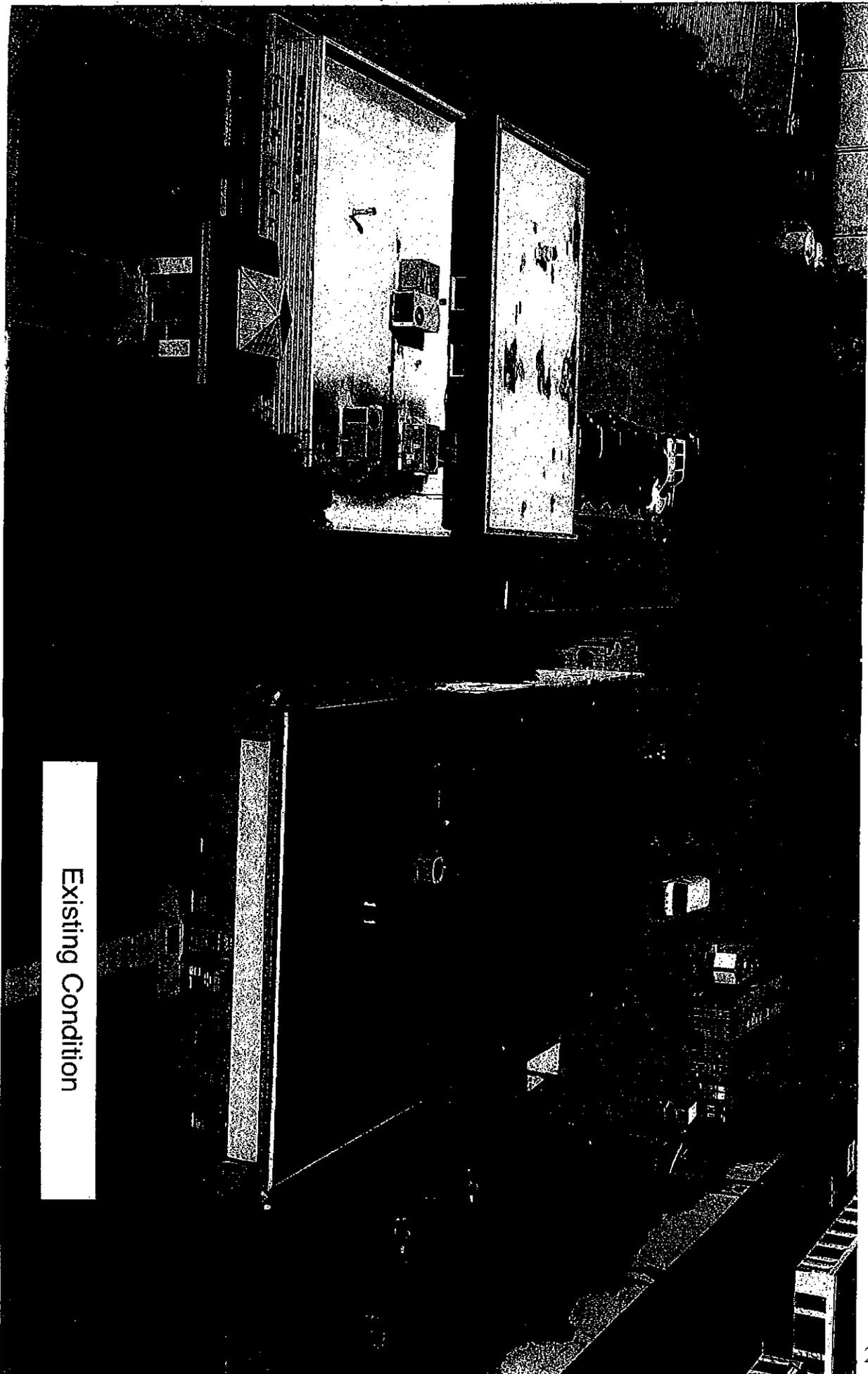
\$ 71,122

INTERIOR IMPROVEMENTS \$ 174,898

PARKING LOT IMPROVEMENTS \$ 82,000



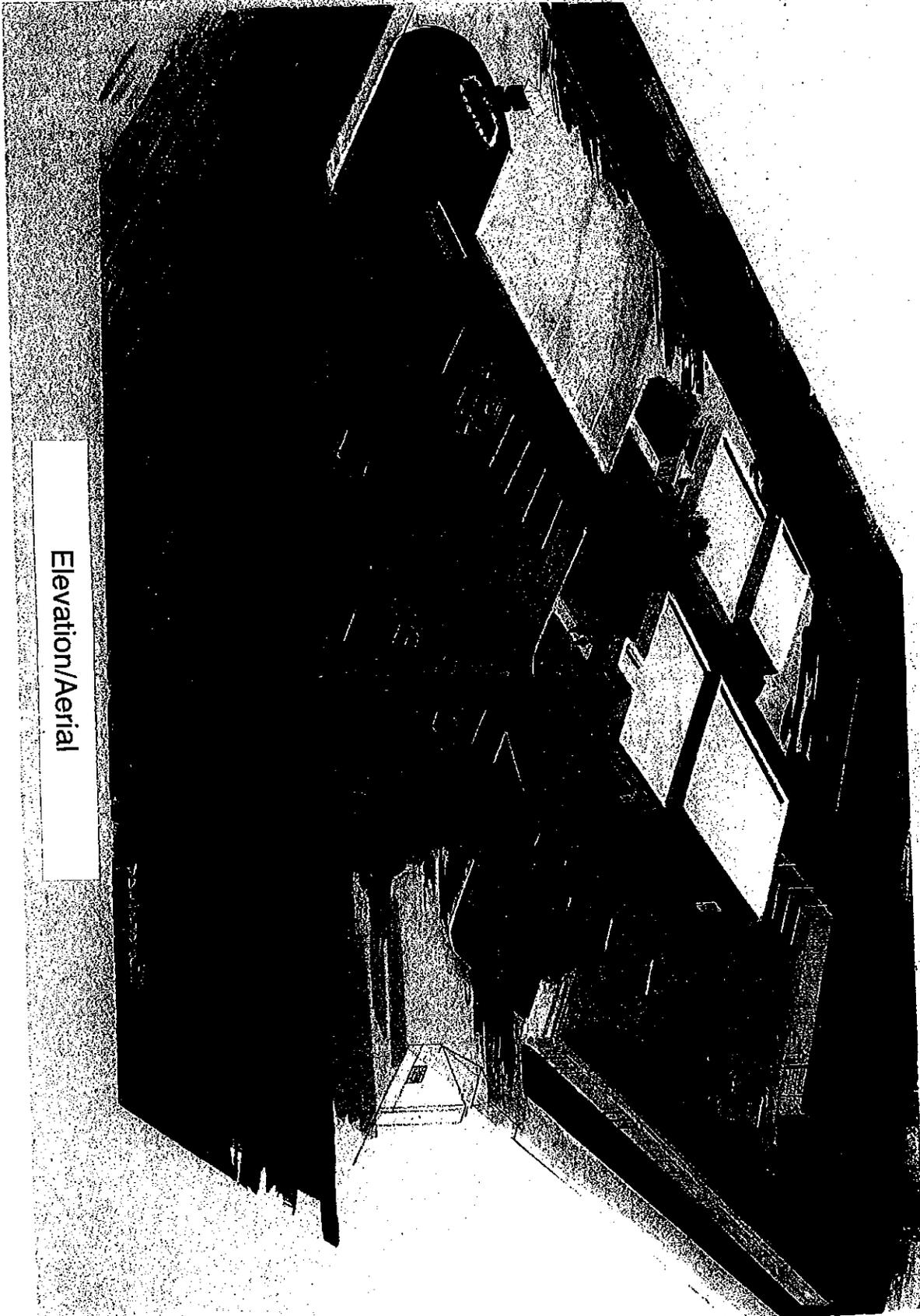
Before Front View



Existing Condition



Conceptual/After



Elevation/Aerial

EXHIBIT 3



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 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

BUREAU OF MARIJUANA REGULATION
2407 NORTH GRAND RIVER · P.O. BOX 30205 · LANSING, MICHIGAN 48909
www.michigan.gov/bmr · 517-284-8599

BUILDING/SEWER TAP SHEET

*ADIR
1760 E. West Maple
Water/Sewer*

Location: Parcel ID 17-35-251-063

TAX ID:

No. Taps: _____
 Water Tap Size: 1.0
 Sewer Tap Size: _____
 Swr Conversion Factor: _____
 Plumbing Permit #: _____

1" now required min for residential

WATER TAP CONVERSION CHART TO SEWER		
3/4" TAP	=	1
1" TAP	=	3
1.5" TAP	=	6
2" TAP	=	10
3" TAP	=	14.5
4" TAP	=	20
6" TAP	=	30
8" TAP	=	50

WATER CHARGES		
3/4" TAP	=	\$ 3,087
1" TAP	=	\$ 9,720
1.5" TAP	=	\$ 20,991
2" TAP	=	\$ 37,104
3" TAP	=	\$ 65,034
4" TAP	=	\$ 102,183
6" TAP	=	\$ 139,353
8" TAP	=	N/A

SEWER

Connection Fee: \$10,493.00 X 3.0 = \$31,479.00
 Oakland County Sewer Inspection Permit Requirement = \$200.00

Subtotal Sewer \$31,679.00

WATER

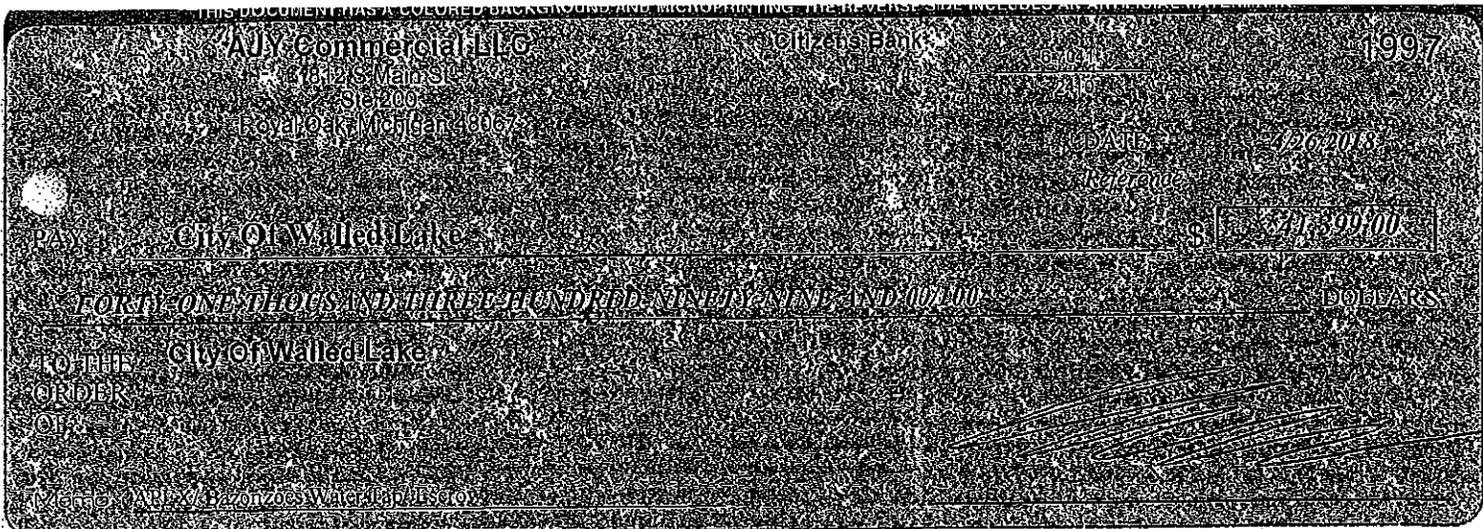
Fireline Size _____
 Water Connection Fee: 1" Commercial \$9,720.00
 Fireline Connection Fee: _____ na

CITY REPRESENTATIVE MUST BE PRESENT DURING ENTIRE TAP IN PROCESS

Subtotal Water \$9,720.00

BUILDING, WATER & SEWER TOTAL COST: \$41,399.00

Total Due with Permit \$41,399.00 Paid xxxx



⑆1997⑆ ⑆241070417⑆ ⑆515929037⑆

AJY Commercial LLC
City Of Walled Lake

4/26/2018

1997

41,399.00

Citizens Bank

APEX/ Bazonzoës Water Tap/ Escrow

41,399.00

AJY Commercial LLC
City Of Walled Lake

4/26/2018

1997

41,399.00

Citizens Bank

APEX/ Bazonzoës Water Tap/ Escrow

41,399.00

CITY OF WALLED LAKE
1499-E. WEST MAPLE ROAD
WALLED LAKE, MI 48390

Received From:
Date: 04/27/2018
Time: 11:51:22 AM
Receipt: 149608
Cashier: CRODGERS

ITEM REFERENCE	AMOUNT
PLANNING COMMISSION/SITE PLAN	
IAP FEES 1735251063- AJY COM	
591-000-285-000	\$41,399.00
TOTAL	\$41,399.00
CHECK 1997	\$41,399.00
Total Tendered:	\$41,399.00
Change:	\$0.00

EXHIBIT 4



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

VIA US MAIL

Date: March 21, 2019

Addressee: Attitude Wellness, LLC

Address: 251 South Industrial Drive
Ewart, MI 49631

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 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

BUREAU OF MARIJUANA REGULATION
2407 NORTH GRAND RIVER • P.O. BOX 30205 • LANSING, MICHIGAN 48909
www.michigan.gov/bmr • 517-284-8599

Bldg # 2

BUILDING/SEWER TAP SHEET

Bldg # 2
Water / sewer

Location: Mahe Construction 861 N Pontiac Trail
TAX ID: 92-17-34-227-009

No. Taps: 2
Water Tap Size 1
Sewer Tap Size 1
Swr Conversion Factor: 3
Plumbing Permit # _____

1" now required min for residential

WATER TAP CONVERSION CHART TO SEWER	
3/4" TAP	= 1
1" TAP	= 3
1.5" TAP	= 6
2" TAP	= 10
3" TAP	= 14.5
4" TAP	= 20
6" TAP	= 30
8" TAP	= 60

WATER CHARGES	
3/4" TAP (Residential)	= \$ 3,087
1" TAP	= \$ 9,720
1.5" TAP	= \$ 20,991
2" TAP	= \$ 37,104
3" TAP	= \$ 65,034
4" TAP	= \$ 102,183
6" TAP	= \$ 139,353
8" TAP	= N/A

SEWER

Connection Fee: \$10,493.00 X 3.0 = \$31,479.00
Oakland County Sewer Inspection Permit Requirement = \$200.00

Subtotal Sewer \$31,679.00

Robert Barnes

WATER

Fireline Size unknown
Water Connection Fee: 1" Commercial \$9,720.00
Fireline Connection Fee: unknown

CITY REPRESENTATIVE MUST BE PRESENT DURING ENTIRE TAP IN PROCESS

Subtotal Water \$9,720.00

Robert Barnes

BUILDING, WATER & SEWER TOTAL COST: \$41,399.00

Total Due with Permit \$41,399.00

Fees Prepared By: SLBarlass DATE: 4/26/2019

CITY OF WALLED LAKE
1499 E. WEST MAPLE ROAD
WALLED LAKE, MI 48390

Received From:
Date: 04/30/2019
Receipt: 171287
Cashier: JStuart

Time: 7:29 AM

ITEM REFERENCE	AMOUNT
PLANNING PLANNING COMMISSION/SITE PLAN PC 275 TAP FEES 591-000-285-000	\$41,399.00
TOTAL	\$41,399.00
CHECK 636	\$9,720.00
CHECK 637	\$31,679.00
Total Tendered:	\$41,399.00
Change:	\$0.00

EXHIBIT 5



OFFICE OF THE CITY MANAGER
CITY OF WALLED LAKE, MICHIGAN

L. DENNIS WHITT
CITY MANAGER

CHELSEA PESTA
ASSISTANT CITY MANAGER

1499 E. WEST MAPLE
WALLED LAKE, MI 48390
(248) 624-4847
cpesta@walledlake.com

March 11, 2020

Pincanna LLC
ATTN: Steven Schafer
31400 Northwestern Highway, Ste. 11
Farmington Hills, MI 48334

Re: Marijuana Provisioning Center Application
Proposed Location: 1877 E. West Maple Rd
Zoning District: C-2

Dear Applicant:

Please allow this correspondence to serve as notification of the City's action on your above referenced application seeking local approval for a Marijuana Provisioning Center at the above referenced location. Your Provisioning Center Application was not approved for the reasons discussed in this notification. Under the City's Marijuana Facility ordinances and regulations, only two (2) Marijuana Provisioning Centers are allowed in the City's C-2 zoning district. Because the City granted approval to two other Provisioning Center applicants, all remaining applications seeking approval of a Provisioning Center in the C-2 zoning district have been denied due to the unavailability of any remaining approvals in the C-2 zoning district. The two successful applicants receiving approval for a Provisioning Center in the C-2 zoning district are as follows:

- 1) Attitude Wellness, LLC
Location: 861 N. Pontiac Trail, Walled Lake, MI
- 2) Apex Ultra Worldwide, LLC
Location: 1760 E. West Maple Rd., Walled Lake, MI

As compared to the other remaining applicants, the two successful applicants (i.e. Attitude Wellness and Apex Ultra) demonstrated a higher level of priority and otherwise presented a more compelling application under applicable City review and approval criteria, standards and requirements. Under the City's ordinances, a Marijuana Facility cannot be located within 500 ft of another Provisioning Center and the applicant must present documentation that the applicant has been pre-qualified by the state of Michigan through the Marijuana Regulatory Agency ("MRA"). Consequently, in the event your proposed facility is within 500' of either of the above two successful applicant facilities, or if you failed to provide the City with documentation that

the applicant identified in your application received pre-qualification approval by the MRA, either or both of these factors would be a further basis for denial of your application.

The City received over twenty applications for the two available Provisioning Center approvals in the C-2 zoning district. Consequently, the process was highly competitive and inevitably required denial of all but two applications.

You have thirty (30) days to appeal the denial of your application to City Council as provided by Section 21.50(q) of the City's zoning ordinance.

Thank you for your interest in opening a Medical Marijuana Facility in the City of Walled Lake.

Respectfully,

A handwritten signature in black ink, appearing to read 'Chelsea Posta', written over a faint, illegible background.

Chelsea Posta
Assistant City Manager