



**CITY OF WALLED LAKE
SPECIAL MEETING
PUBLIC HEARING
(ELECTRONIC MEETING PLATFORM)
Wednesday, July 22, 2020 | 7:30 P.M.**

ROLL CALL & DETERMINATION OF A QUORUM

REQUESTS FOR AGENDA CHANGES

NEW BUSINESS

- | | | |
|----|--|-------|
| 1. | City Council Case: 2020-03 | Pg. 4 |
| | 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 | |

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.

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|----|------------------------------|--------|
| 2. | City Council Case: 2020-04 | Pg. 69 |
| | Applicant: Iron Laboratories | |
| | Location: 1825 E. West Maple | |
| | Request: Non-use Variance | |

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.

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. 2020-129 signed by Governor Whitmer June 18, 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/89059831786>

Password: 564726

Or iPhone one-tap :

US: +16465588656,,89059831786#,,,0#,,564726# or +13017158592,,89059831786#,,,0#,,564726#

Or Telephone:

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

US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 9128 or +1 253 215 8782
or +1 346 248 7799

Webinar ID: 890 5983 1786

Password: 564726

International numbers available: <https://us02web.zoom.us/j/89059831786>

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



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 4

EXHIBIT 5



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

4. Name of Applicant : 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?

x 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

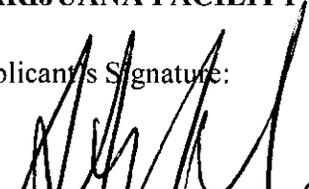
40. Has the Applicant or any stakeholder been convicted or incarcerated for a felony within the past ten (10) years or ever been convicted of an illegal substance related felony?

Yes No

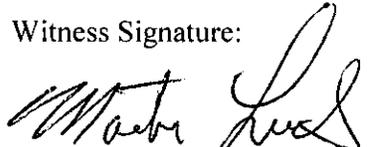
If yes, list the associated criminal case number(s), the statute(s) violated, the date(s) of conviction, the date(s) of imposition of probation and/or parole, and the name and address of the sentencing court.

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: 

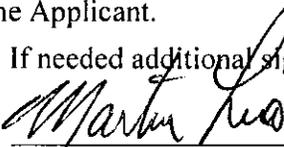
Print Name: Steve Schafer
Title: member

Witness Signature: 

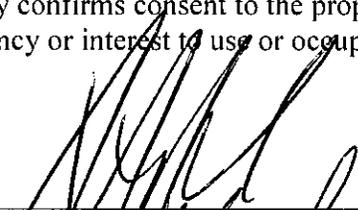
Print Name: Martin Lustig
Title: _____

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.

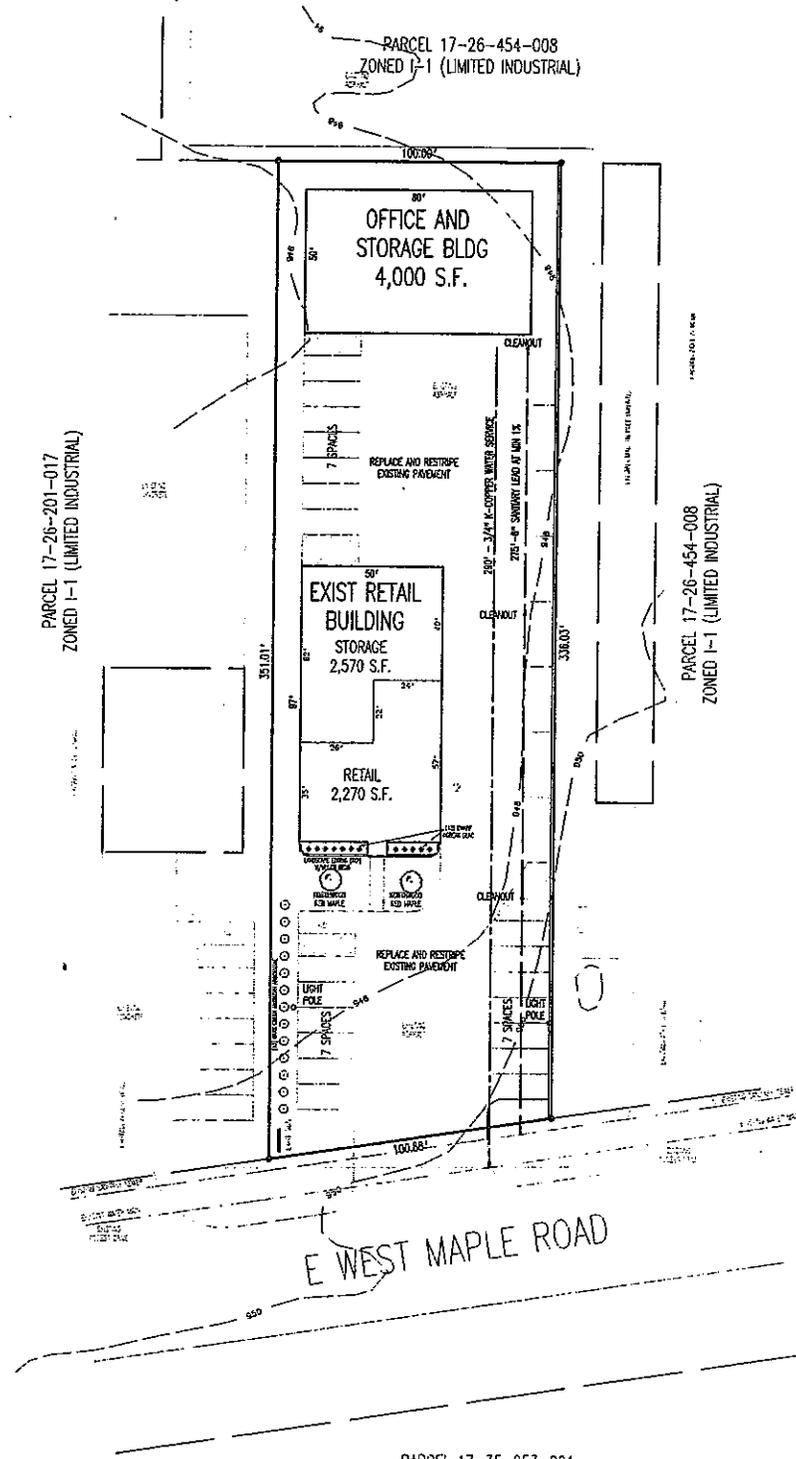
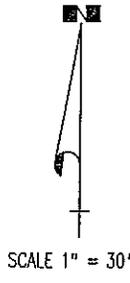
not: _____

5. Proof of insurance showing compliance with City Ordinance.

not: see attached

6. Executed Affirmation of Stakeholder

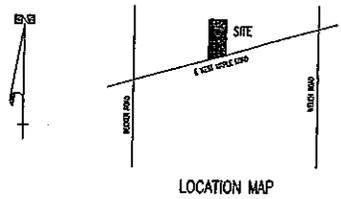
not: _____



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	---
---	SANITARY SEWER	---
---	WATERMAIN	---
---	GAS LINE	---
---	ELEC. TELE. CABLE	---
---	STORM LAHOLE	○
---	CATCH BASIN	□
---	INLET	□
---	REAR YARD CATCH BASIN	□
---	END SECTION	>
---	SANITARY LAHOLE	○
---	GATE VALVE AND WELL	○
---	HYDRANT	•

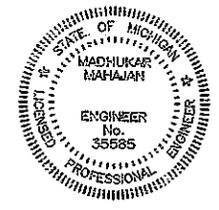
DESCRIPTION

A PART OF SECTION 35, T-2-N, R-8-E, CITY OF WALLED LAKE, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS THE EASTERLY 10 FEET OF LOT 9 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

REQUIRED	EXISTING
50 FEET	40 FEET
10 FEET	20 FEET TOTAL
25 FEET	40 TO 57 FEET



& Design
MANAGEMENT
P E H
34
0128

PROPRIETOR:
MR. MARTIN LUSTIG
1877 E WEST MAPLE ROAD
WALLED LAKE, MICHIGAN 48390-3821
PH (248) 866-2400

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

DRAWN PB	DATE JAN 2018
DESIGN PB	SCALE 1" = 30'
SECTION 35	SHEET 1 OF 1
T-2-N-R-8-E	NO. 17184-51

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"/> p	<input type="checkbox"/>	<input type="checkbox"/>
2. Title block.	<input type="checkbox"/> p	<input type="checkbox"/>	<input type="checkbox"/>
3. Scale.	<input type="checkbox"/> p	<input type="checkbox"/>	<input type="checkbox"/>
4. Northpoint.	<input type="checkbox"/> p	<input type="checkbox"/>	<input type="checkbox"/>
5. Dates of submission and revisions (month, day, year).	<input type="checkbox"/> p	<input type="checkbox"/>	<input type="checkbox"/>
6. Location map drawn to a scale with northpoint.	<input type="checkbox"/> p	<input type="checkbox"/>	<input type="checkbox"/>
7. Legal and common description of property.	<input type="checkbox"/> p	<input type="checkbox"/>	<input type="checkbox"/>
8. Written description of proposed land use.	<input type="checkbox"/> p	<input type="checkbox"/>	<input type="checkbox"/>
9. Zoning classification of petitioner's parcel and all abutting parcels.	<input type="checkbox"/> p <input type="checkbox"/> P	<input type="checkbox"/>	<input type="checkbox"/>
10. Proximity to section corner and major thoroughfares.	<input type="checkbox"/> p	<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"/> p <input type="checkbox"/> P	<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"/> P	<input type="checkbox"/>	<input type="checkbox"/>
13. Notation of any variances which have been or must be secured.	<input type="checkbox"/> <input type="checkbox"/> NA	<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"/> NA	<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"/> P	<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"/> P	<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 type="checkbox"/> p	<input type="checkbox"/>	<input type="checkbox"/>
14. Information needed to calculate required parking in accordance with zoning ordinance standards.	<input type="checkbox"/> p	<input type="checkbox"/>	<input type="checkbox"/>
15. The location of lawns and landscaped areas.	<input type="checkbox"/> p	<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 type="checkbox"/> p	<input type="checkbox"/>	<input type="checkbox"/>
18. All existing and proposed easements.	<input type="checkbox"/> na	<input type="checkbox"/>	<input type="checkbox"/>
19. Designation of fire lanes.	<input type="checkbox"/> p	<input type="checkbox"/>	<input type="checkbox"/>
20. Loading/unloading area.	<input type="checkbox"/> p	<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 type="checkbox"/> na	<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 type="checkbox"/> na	<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 type="checkbox"/> p	<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 type="checkbox"/> p	<input type="checkbox"/>	<input type="checkbox"/>
D. Building and Structure Details			
1. Location, height, and outside dimensions of all proposed buildings or structures.	<input type="checkbox"/> p	<input type="checkbox"/>	<input type="checkbox"/>
2. Indication of number of stories and number of commercial or office units contained therein.	<input type="checkbox"/> p	<input type="checkbox"/>	<input type="checkbox"/>
3. Typical building floor plans.	<input type="checkbox"/> p	<input type="checkbox"/>	<input type="checkbox"/>
4. Total floor area	<input type="checkbox"/> p	<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 type="checkbox" value="p"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Location and size of water mains, well sites, and water service leads, existing and proposed.	<input type="checkbox" value="p"/>	<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 type="checkbox" value="p"/>	<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 type="checkbox" value="p"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Indication of site grading, drainage patterns, and other storm water control measures.	<input type="checkbox" value="p"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Storm water drainage and retention calculations.	<input type="checkbox" value="p"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Location of gas, electric, and telephone lines, above and below ground.	<input type="checkbox" value="p"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Types of soils and location of flood plains and wetland, if applicable.	<input type="checkbox" value="na"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Assessment of potential impacts from the use, processing, or movement hazardous materials or chemicals, if applicable.	<input type="checkbox" value="na"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Soil erosion and sedimentation control measures.	<input type="checkbox" value="na"/>	<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.

DIV PAINTING					
	PAINTING INTERIOR			\$	6,500
	PAINT EXTERIOR BRICK	350	SF	\$	438
	INTERIOR CAULKING			W/PAINT	
DIV SPECIALTIES					
	TOILET ACCESSORIES			\$	450
	INSTALL TOILET ACCESSORIES FIRE EXTINGUISHERS			\$	250
				\$	300
DIV FIRE SUPPRESSION					
	FIRE PROTECTION				NOT INCLUDED
DIV PLUMBING					
	EXCAVATION, REWORK SANITARY AND BACKFILL WASTE AND VENT PIPE			\$	9,850
	PEX WATER PIPING CONNECTED TO EXISTING NEW PLUMBING FIXTURES			W/PLUMBING W/PLUMBING	
	REWORK GAS PIPING TO ROOFTOP UNITS			W/PLUMBING W/PLUMBING	
DIV MECHANICAL HVAC					
	REMOVE OLD ROOFTOP UNITS	2	EA EA	W/ROOFTOP 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			\$	19,110
				W/HVAC W/HVAC W/HVAC	
DIV ELECTRICAL					
	DISCONNECT AND MAKE SAFE RECEPTACLES	20	EA EA	\$	21,500
	2 X 4 T8 3 LAMP LIGHT FIXTURES EXIT AND EMERGENCY LIGHTING	25		W/ELECTRICAL W/ELECTRICAL	
	POWER TO ROOFTOP UNITS AND EXHAUST FAN			W/ELECTRICAL W/ELECTRICAL	
	PARKING LOT LIGHT POLES	5	EA	\$	25,000
	UTILIZE EXISTING EOELECTRICAL SERVICE			W/ELECTRICAL	
	FIRE ALARM SYSTEM			\$	6,250
	SUBTOTAL****				
	SUBTOTAL			\$	353,762
01-	BUILDERS RISK INSURANCE @ 002			NIC	
803	GENERAL CONDITIONS			\$	1,415
01-	ARCHTECTURAL, STRUCTURAL, MECHANICAL AND ELECT DESIGN FEES BUILDING PERMIT	10		\$	40,000
000	AND PLAN REVIEW FEE	13.30%	WKS	BY OWNER BY OWNER	
01-	OVERHEAD & PROFIT			\$	32,882
818					
TOTAL				\$	428,079

RECOMMENDED 10% OWNERS CONTINGENCY FUND \$

####

ALUMINUM FACADE TRELLIS AND SIGNAGE

NOT INCLUDED

EXTERIOR IMPROVEMENTS

\$ 71,122

INTERIOR IMPROVEMENTS

\$ 174,898

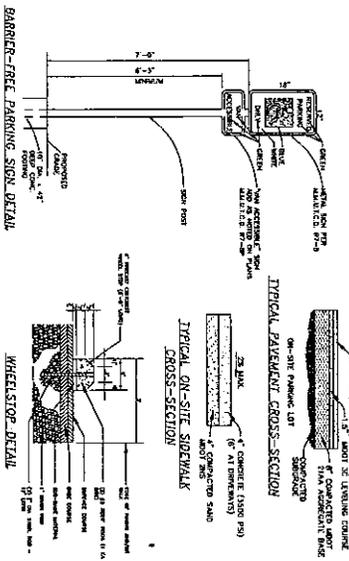
PARKING LOT IMPROVEMENTS

\$ 82,000

WATER AND SEWER TO NEW REAR BUILDING

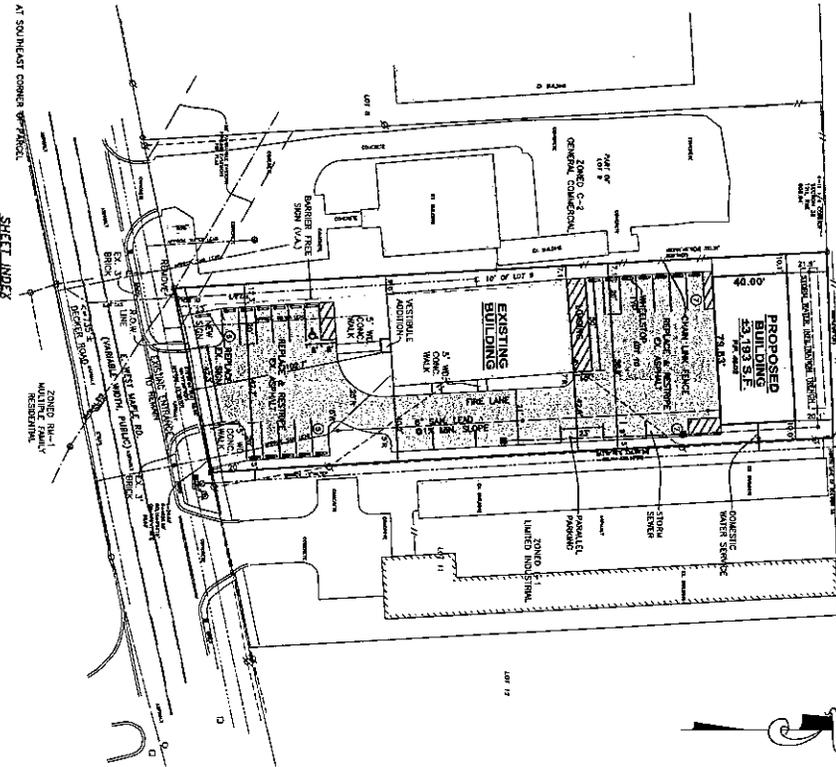
\$ 25,000

PROPOSED "PINCANNARX" COMMERCIAL REDEVELOPMENT 1877 E. WEST MAPLE ROAD SITE PLAN WALLED LAKE, OAKLAND COUNTY



LEGEND:

- 1. EX. EXISTING BUILDING
- 2. EX. EXISTING DRIVEWAY
- 3. EX. EXISTING DRIVEWAY
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- 99. EX. EXISTING DRIVEWAY
- 100. EX. EXISTING DRIVEWAY



SHEET INDEX

1	SITE PLAN
2	TOPOGRAPHIC SURVEY
3	EXHIBITING PLAN
4	LANDSCAPE PLAN
5	LANDSCAPE DETAILS

NOTE:
THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE MANNER AND ARE NOT TO BE CONSIDERED AS A GUARANTEE. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. ANY DISCREPANCY BETWEEN THE FIELD SURVEY AND THE RECORD DRAWINGS SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES.

BENCHMARKS:

BM 1 - 1.00' ON SOUTHWEST CORNER OF EXISTING BUILDING
BM 2 - 1.00' ON SOUTHWEST CORNER OF EXISTING BUILDING
BM 3 - 1.00' ON SOUTHWEST CORNER OF EXISTING BUILDING



SITE DATA:
PROJECT NO. 17-20-201-001
PROPOSED ZONING: C-3 GENERAL COMMERCIAL
PROPOSED BUILDING: 40.00' x 78.00'
EXISTING BUILDING: 40.00' x 78.00'
TOTAL BUILDING SQUARE FEET: 3120.00
TOTAL PARKING SPACES: 10
TOTAL LANDSCAPE AREA: 1.00 ACRES

APPLICANT:
SCHAFER DEVELOPMENT, LLC
1877 E. WEST MAPLE ROAD
WALLED LAKE, MI 48094

NOTES:
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, 2011 EDITION, AS AMENDED.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES.

CLIENT: SCHAFER DEVELOPMENT

DATE: 2019-10-14

SCALE: AS SHOWN

PROJECT NO.: 17-20-201-001

SHEET NO.: 1

SITE PLAN

1877 E. WEST MAPLE ROAD COMMERCIAL REDEVELOPMENT

SECTION: 35 TOWNSHIP: 2N
CITY OF WALLED LAKE RANGE: 0E
OAKLAND COUNTY MICHIGAN

ALPINE ENGINEERING, INC.
CIVIL ENGINEERS & LAND SURVEYORS

46825 WEST ROAD
SUITE 109
NOVA VICHIAN 48377

(248) 926-5701 (MI) (US)
(248) 926-7458 (CA) (US)
WWW.ALPINE-ENG.COM

RESIDENTIAL SUBDIVISIONS SITE CONSTRUCTION MULTI-FAMILY INDUSTRIAL & MULTI-UNIT TRAIL PLANS CONSTRUCTION LAYOUT

SURVEYING ALTA SURVEYS BOUNDARY SURVEYS TOPOGRAPHIC SURVEYS PARCEL SPLITS

COMMERCIAL SITE PLANNING SITE ENGINEERING INDUSTRIAL & MULTI-UNIT TRAIL PLANS CONSTRUCTION LAYOUT



Title: **Landscape Details**

Project: **1877 E. West Maple
 Walled Lake, Michigan**

Prepared for:
 Alisha Engineering
 48852 West Road
 Walled Lake, MI 48091

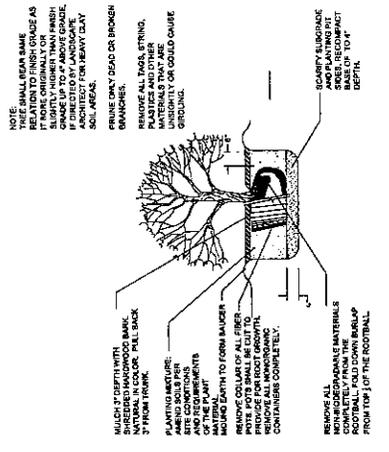
Revision: **Issued:**
 October 7, 2018

Job Number:
 18-018

Drawn By: **Checked By:**
 JM JM



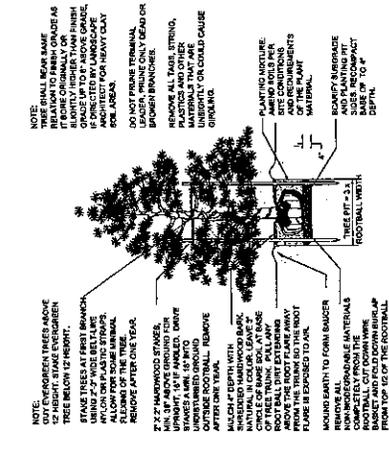
Sheet No. **L-2**



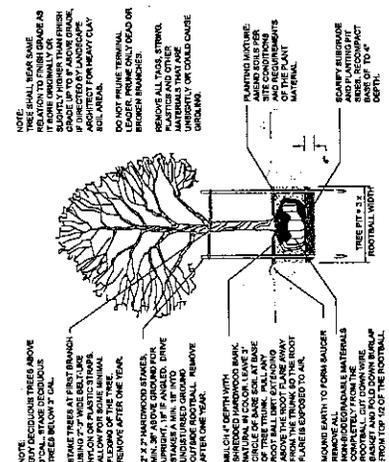
SHRUB PLANTING DETAIL
 NOT TO SCALE

LANDSCAPE NOTES

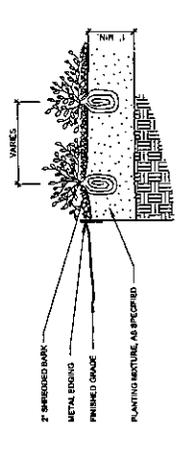
1. All plants shall be with Michigan (Michigan region) grown, No. 1 grade plant materials.
2. Plants shall be well established, well rooted, and in healthy vigorous growth.
3. Plants shall be well established and able to stand in place.
4. All trees shall be planted, central and root ball shall be completely covered with a 2" layer of mulch.
5. All trees shall be planted in a hole that is 2" larger than the root ball.
6. All trees shall be planted in a hole that is 2" larger than the root ball.
7. All trees shall be planted in a hole that is 2" larger than the root ball.
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17. All trees shall be planted in a hole that is 2" larger than the root ball.
18. All trees shall be planted in a hole that is 2" larger than the root ball.



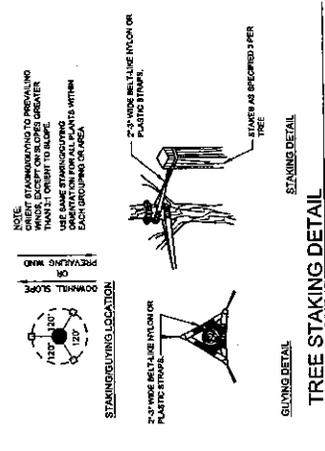
EVERGREEN TREE PLANTING DETAIL
 NOT TO SCALE

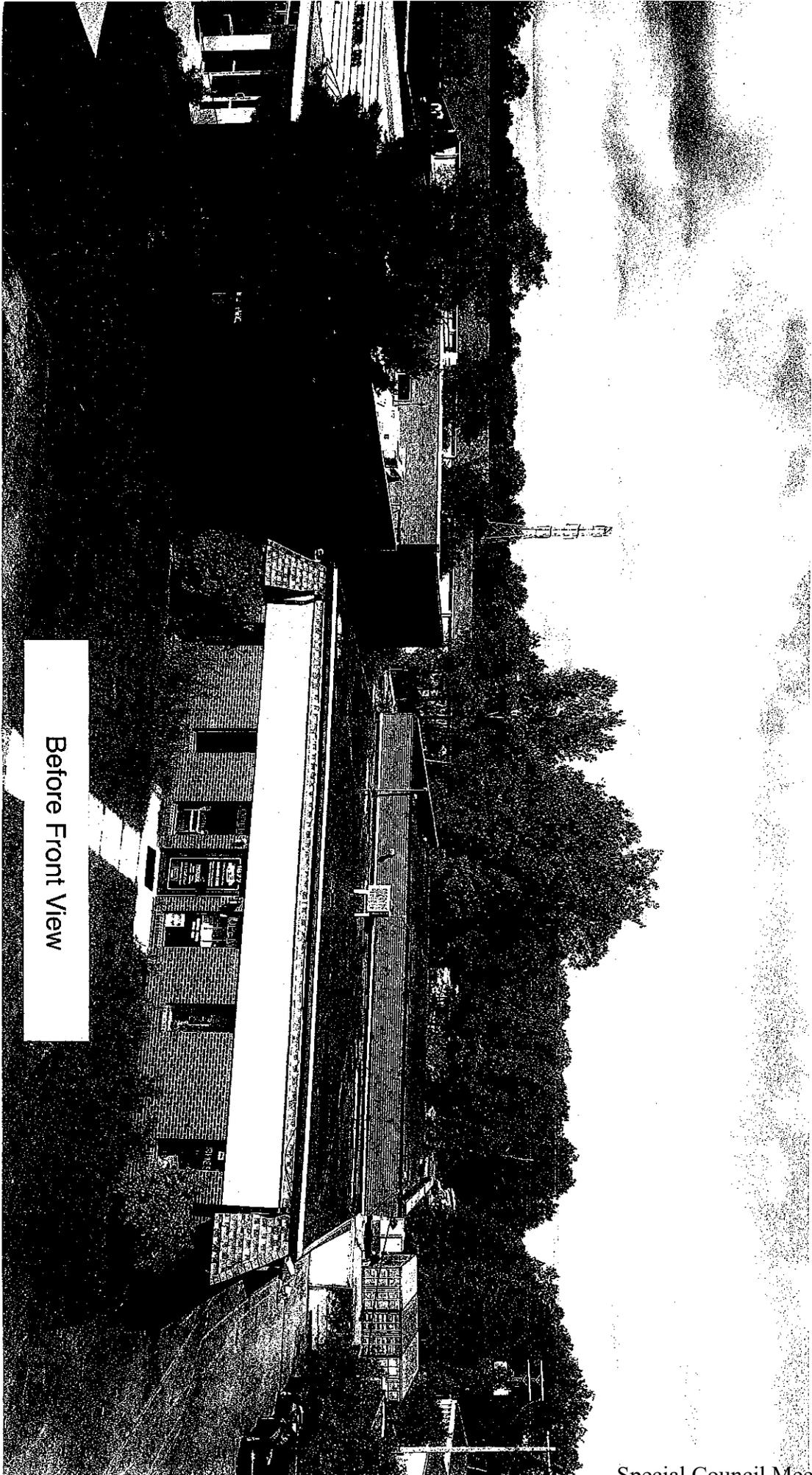


DECIDUOUS TREE PLANTING DETAIL
 NOT TO SCALE

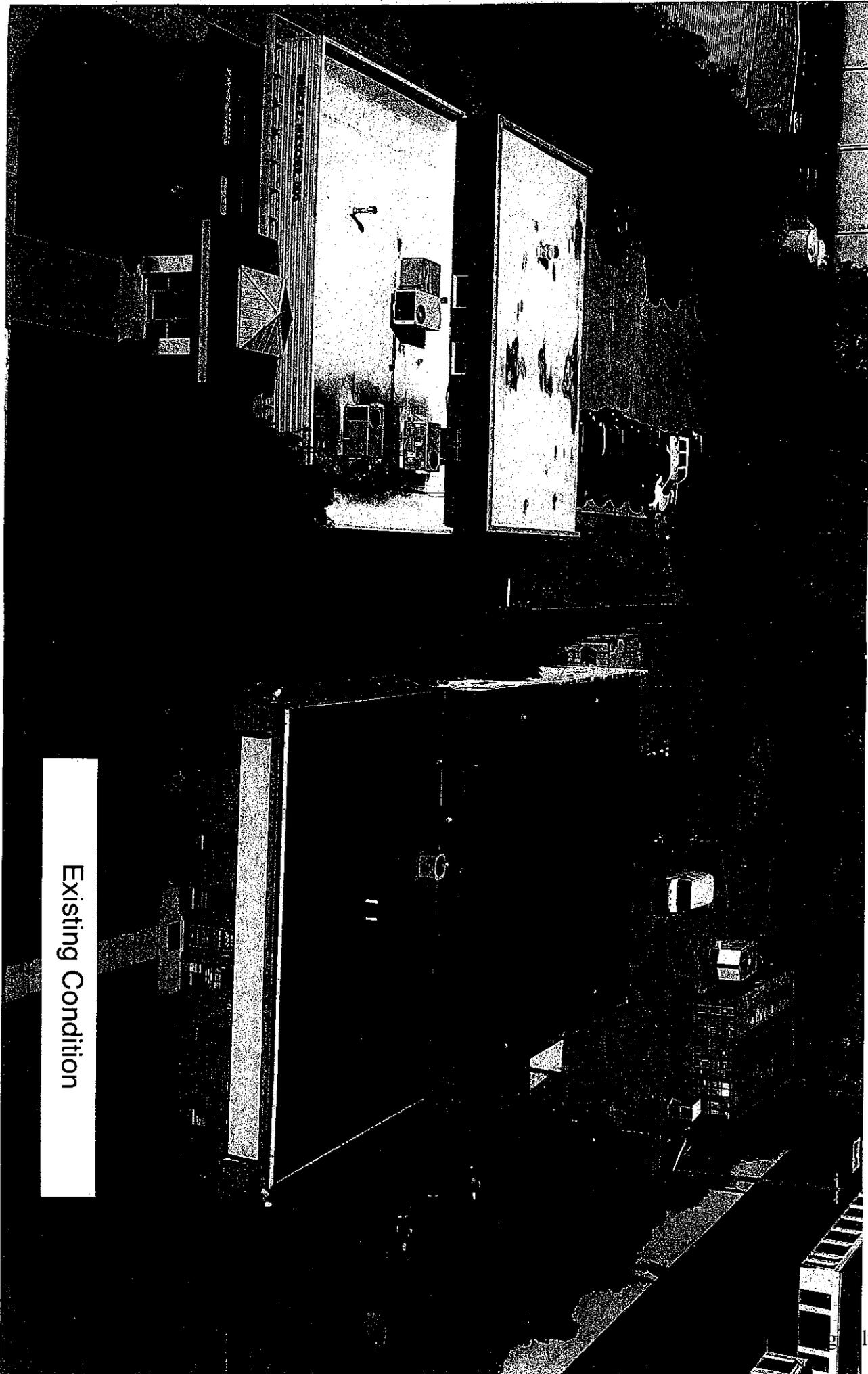


PERENNIAL PLANTING DETAIL
 NOT TO SCALE

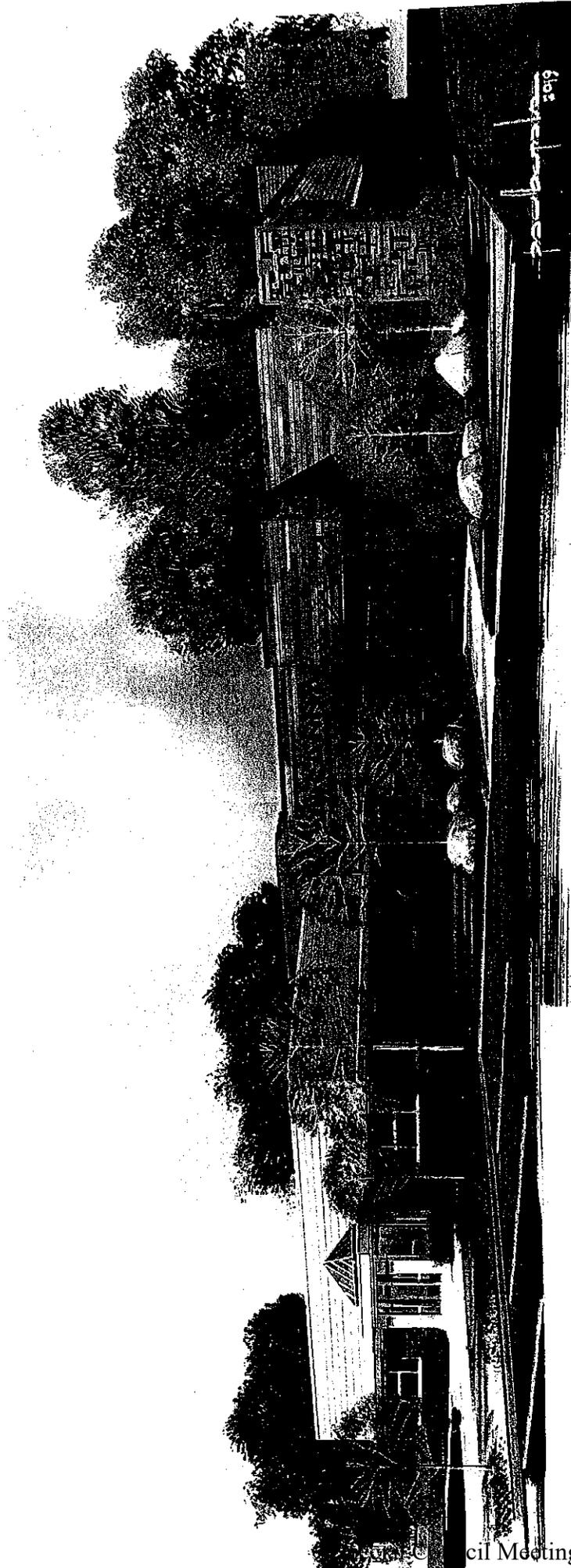




Before Front View



Existing Condition



6th Street

Conceptual/After

Elevation/Aerial





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

BUILDING/SEWER TAP SHEET

*APUR
1760 E. West Made
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

AJY Commercial LLC

Citizens Bank

1997

1812 S Main St
Ste 200
Royal Oak, Michigan 48067

67021

32410

DATE

4/26/2018

Reference

PAY TO THE ORDER OF City Of Walled Lake

\$ 41,399.00

FORTY-ONE THOUSAND THREE HUNDRED NINETY NINE AND 00/100

DO DOLLARS

TO THE ORDER OF City Of Walled Lake

MEMO: APEX/ Bazonzoës Water Tap/ Escrow

⑆ 1997 ⑆ ⑆ 24 10 704 1 7 ⑆ 4 5 1 5 9 2 9 0 3 7 ⑆

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
Receipt: 149608
Time: 11:51:22 AM
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



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.

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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/Plumber

Location: Maher 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	=	50

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



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. H
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,



Chelsea Pesta
Assistant City Manager

**NOTICE OF APPEAL OF THE MARCH 11, 2020 DECISION TO NOT
APPROVE THE PINCANNARX- WALLED LAKE, INC. PROVISIONING
CENTER APPLICATION AT 1877 E. WEST MAPLE RD.**

BASIS FOR APPEAL

PincannaRX-Walled Lake, Inc., a Michigan corporation, d/b/a PincannaRX (hereinafter PincannaRX), files this notice of appeal pursuant to Section 21.50(q) of the City of Walled Lake Zoning Ordinance, as adopted by City Ordinance C-337-18 on June 19, 2018. The appeal challenges an administrative decision dated March 11, 2020 by the Assistant City Manager, Chelsea Pesta, to not approve the Pincanna RX application for a marijuana provisioning center at 1877 E. West Maple Rd. The reason for the appeal contends that the PincannaRX application had top priority according to section 6 of City Resolution 2018-10 and that it is ready to proceed with construction and completion of the improvements immediately upon site plan approval while the successful applicant, Apex Ultra Worldwide, LLC, has still failed to meet the condition of approval requiring code compliant completion of the improvement giving rise to the priority.

BACKGROUND

On March 20, 2018 the City Council for the City of Walled Lake adopted Resolution 2018-10 setting forth the rules for applications for establishments under the Medical Marijuana Facilities Licensing Act, MCL 333.27101 *et seq.* The Resolution provided that applications would not be received for consideration prior to April 2, 2018 at 9:00 a.m. and that action on the applications would commence on May 1, 2018. The City Administration was required to adhere to the rules set forth in the City Council's Resolution 2018-10.

On April 3, 2018, PincannaRX submitted its application for a Marijuana Provisioning Center at 1877 E. West Maple Rd. in the City of Walled Lake pursuant to the March 20, 2018 Resolution. By a letter dated March 11, 2020, almost two years after submission of the application, the Assistant City Manager notified PincannaRX that its application was not approved. No other notification was received from the City during this almost two-year time period prior to the March 11th correspondence.

The letter stated that the City had approved the applications submitted by Attitude Wellness, LLC at 861 N. Pontiac Trail and Apex Ultra Worldwide, LLC at 1760 E. West Maple Rd. The decision, according to the letter, was based upon the City's determination that these two applicants had demonstrated higher levels of priority and/or presented more compelling applications. An additional basis for the rejection of the PincannaRX application is stated as "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 [PincannaRX] received pre-qualification approval by the MRA, either or both of these factors would be a further basis for denial of your application."

PincannaRX submitted its application and its application fee on April 3, 2018 and received no further notice from the City Clerk's office. According to City's Resolution 2018-10, section 4, the City Clerk was required to conduct a preliminary review of the application. As a requirement of this preliminary review, the Clerk was to notify the applicant of the results of the preliminary review, including notice of any deficiencies rendering the application incomplete. Following this notice the applicant would then be provided the option to withdraw the application and receive a refund of the application fee or it could cure any deficiencies. Due to the absence of any notice,

the PincannaRX application was deemed to be complete and should have been forwarded on for consideration.

The City's Resolution 2018-10 next provides, in section 5, for a determination of preliminary eligibility. The bases for ineligibility include: a) proposed facility not a permitted use in the proposed zoning district; b) **quota established by ordinance has been exhausted**; c) unpaid City taxes, assessments and/or liens; d) unpaid City fees, or; e) any other reason rendering the proposed facility ineligible under the Act, MMMA, State Rules or applicable code or ordinance. If the PincannaRX application had been ineligible based upon any of the listed criteria the Clerk was required to notify PincannaRX of this determination, including the reasons rendering the proposal ineligible. The Clerk was further required to return the application and all refundable fees to the applicant. Due to the absence of any notice, the PincannaRX application was deemed to be eligible and should have been forwarded on for consideration.

The consideration of the applications is governed by section 6 of the Resolution 2018-10 entitled "Priority Applications." Notably, section 6 provides "Any approval of a priority application shall be conditional upon code compliant completion of the improvement giving rise to the priority." First priority is given to applications that propose new water and sewer service to the property. Second priority is given to applications that propose new water or sewer service to the property. Third priority is given to applications proposing improvements in excess of \$20,000. The highest priority is given to applications demonstrating both First and Third level priorities. The PincannaRX application should have enjoyed the highest priority as it proposed a new water and sewer tap to serve the new structure to be built at the northern border of the property and the improvements proposed exceeded \$200,000. The PincannaRX application was also submitted to

the City Clerk over one year prior to the Apex Ultra Worldwide, LLC application's initial submission.

ARGUMENT

PincannaRX is a reputable organization with members demonstrating an unmatched level of expertise in the fields of finance, medicine, property development and marijuana production. PincannaRX has recently completed and is operating a \$40+ million dollar grow facility in northern Michigan. PincannaRX has the expertise and financial backing necessary to complete and open its proposed provisioning center expeditiously. The proposal will dramatically enhance to Eastern gateway to Walled Lake, transforming this area with the addition of a thriving business in a building with a modern design.

Desiring to locate its provisioning center in Walled Lake, PincannaRX leased property at 1877 E. West Maple in April 2018 and has been making payments consistently since then. PincannaRX promptly submitted its site plan and provisioning center application on April 3, 2018, the day after the City opened the application process. The site plan application is proposing a new 4,000 square foot building together with dramatic façade and landscaping improvements to the existing structure of the property. The application calls for two new water and sewer taps, attractive signage and a new parking lot with striping.

The provisioning center application provides details of the expertise in a variety of fields enjoyed by the members of PincannaRX, demonstrating its financial backing and commitment to success. It proposes strong product controls with tight security on the premises. PincannaRX's application commits it to local hiring, providing education and training for its staff. The application additionally details the general education commitments it will provide to the community, including

workshops and seminars through which it may better inform the community of its services as well as share its expertise in safety and health benefits of its products. PincannaRX intends to be a true member of the community as demonstrated by its commitment to support local entities.

Although one of the successful applications also proposed new construction on a property directly across the street from the PincannaRX location, it was unable to produce code compliant plans for its proposal within the required timeframe and has yet to begin any actual construction on the site. Further, at the time the consideration of the applications was to commence, which was May 1, 2018 according to Resolution 2018-10, the Apex Ultra Worldwide, LLC application had not even been submitted. Instead, it was submitted almost one year later, on April 4, 2019, and required supplemental submissions according to City correspondence received in response to a request under the Freedom of Information Act. Finally, according to information from the State of Michigan website, Apex Ultra Worldwide, LLC, is not licensed for this location, nor prequalified for a license by the State, as of the last check on May 1, 2020.

The City has repeatedly granted extensions of time to Apex Ultra Worldwide, LLC but it has yet to begin construction. In contrast, PincannaRX was ready to proceed with the physical improvements to the property immediately upon receiving site plan approval. PincannaRX's facility, if it had been reviewed consistent with the City Resolution 2018-10, would have been completed and open for business prior to submission of the Apex Ultra Worldwide, LLC application to the City Clerk. PincannaRX was in a far better position to fulfil the section 6 condition of code compliant completion of the improvement giving rise to the priority.

Apex Ultra Worldwide, LLC was submitted almost one full year after PincannaRX's application's review was to have begun. As a result, PincannaRX should have received first consideration with respect to the 500' separation requirement as it was the only provisioning center

proposed in this area as of May 1, 2018. For the same reason, PincannaRX should have been considered as one of the two provisioning centers in the City's C2 District because as of May 1, 2018 the Apex Ultra Worldwide, LLC proposal simply didn't exist.

RELIEF REQUESTED

PincannaRX requests that its application for a provisioning center at 1877 E. West Maple Road, Walled Lake be approved as it has demonstrated top level priority and should have been considered the only applicant in the area. The application was promptly and timely submitted according to the resolution adopted by the Walled Lake City Council and should have been reviewed timely starting on May 1, 2018. PincannaRX has been and continues to make lease payments for the property and has been adversely impacted financially by the City's delay in reviewing and approving the application.

In addition to the financial impact resulting from the almost two-year delay in approving the application, PincannaRX has been adversely impacted by the determination to award a provisioning center to Apex Ultra Worldwide, LLC. Far from being an "existing" provisioning center, the Apex Ultra proposal for a provisioning center didn't even exist when the PincannaRX application was to be reviewed starting May 1, 2018. The complete Apex application wasn't submitted for over a year after PincannaRX's application should have been granted. Adding insult to this injury, the Apex proposal required repeated extensions of the time limits set by the City for the completion of tasks already contained in the PincannaRX application. Apex, upon information and belief, has not even commenced construction at the time of this writing. Finally, when last checked Apex Ultra Worldwide, LLC is not licensed by the State nor prequalified for a license.

The PincannaRX application for a provisioning center and site plan approval for the provisioning center should be granted and Apex Ultra Worldwide, LLC should be required to seek a variance to permit a third provisioning center in the C2 District and to locate within 500' of the Pincanna site. Alternatively, PincannaRX has submitted a variance request to locate its provisioning center at 1877 E. West Maple Road. In either case, the PincannaRX development will be promptly completed and will be open to serve the City of Walled Lake. Given the Apex Ultra Worldwide, LLC history, the PincannaRX site will be open for business before ground is broken at the Apex site.

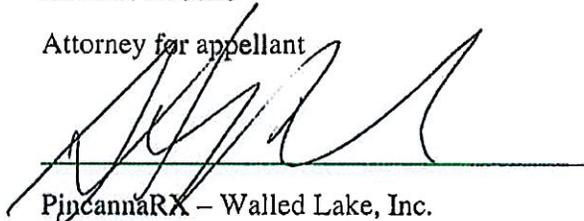
June 23, 2020

Respectfully submitted,



Mark S. Roberts

Attorney for appellant



PincannaRX - Walled Lake, Inc.

By: Steven J. Schaefer
Its: member

6079005_1



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: Iron Labs Variance Request
Date: July 6, 2020

This matter is before Council for Public Hearing and action on a request for a *variance* from the 500 ft. setback requirement under Sec. 21-50(e)(7) of the zoning ordinance to allow a Marijuana Safety Compliance Facility within 500 ft. of a Marijuana Provisioning Center (i.e. Apex Ultra located across the street from Iron Labs). A copy of the Applicant's June 16, 2020 written request for a variance is attached. Also attached please find a copy of the City's Administrative denial of the Applicant's application due to non-compliance with the 500 ft. setback requirement.

As stated in the Applicant's request for variance, a safety compliance facility is generally not open to the public and therefore creates minimal impact on area traffic, parking and surrounding neighborhoods. Minimizing excessive localized customer and vehicular traffic is one of the primary purposes underlying the 500 ft. separation requirement. Notably, the 500 ft. separation requirement applies only to an Applicant proposing a Marijuana Facility within 500 ft of an approved "Provisioning Center". There is no separation requirement between Marijuana Facilities other than the required setback from a Provisioning Center. This means if Iron Labs had been approved before Apex Ultra, the 500 ft. separation requirement would *not* have been obstacle for approval of Apex Ultra in its current location because Apex Ultra would *not* have been located within 500 ft. of Provisioning Center. At the June 2020 meeting, Council approved first reading of a modification to the 500 ft. separation requirement that would exempt all Marijuana Facilities other than Provisioning Centers from the setback requirement. Under the modified separation requirement, the 500 ft. setback would only apply to distancing between Provisioning Centers.

Ord. No. C-337-18 amended section 21-50 by adopting several additional sub-sections including an appeal process under sub-section (q). City Council appeal powers include powers typically exercised by the Zoning Board of Appeals in zoning matters, including the following:

- a) 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.

The issue before Council is whether the applicant has demonstrated a practical difficulty warranting a variance from the 500 ft. setback from a Provisioning Center under Sec. 21-50(e)(7) of the zoning ordinance. Form motions for approval/denial of a non-use variance are also included for reference.

PROPOSED MOTION TO GRANT “NON-USE” OR “DIMENSIONAL” 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" OR "DIMENSIONAL" 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



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

June 10, 2020

Iron Laboratories, LLC
1825 W. Maple Road
Walled Lake, MI 48390

Re: Marijuana Safety Compliance Application
Proposed Location: 1825 W 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 Safety Compliance at the above referenced location. Your Safety Compliance Application was not approved for the reason discussed in this notification. Under the City's Marijuana Facility ordinances and regulations, a Marijuana Facility cannot be located within 500 ft of another existing Provisioning Center. Currently you are within 500 ft of:

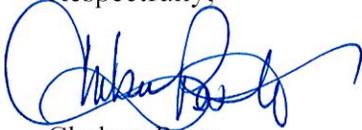
- 1) Apex Ultra Worldwide, LLC
Location: 1760 E. West Maple Rd., Walled Lake, MI

Under the City's ordinances, a Marijuana Facility cannot be located within 500 ft of another Provisioning Center. Specifically, section 21.50(e)(7) of the zoning ordinance requires a five hundred ft. set back from an existing provisioning center. Consequently, your proposed facility is within 500' of the above successful applicant facility, this factor would be a further basis for denial of your application.

You have the right to appeal the denial of your client's applications and/or seek a variance from the 500 ft. setback requirement by submitting a written request for an appeal and/or variance. 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. The request for appeal and/or variance must specify the grounds and support for the appeal and/or demonstrate a practical difficulty in complying with the 500' setback requirement. Appeals and requests for variances are heard and decided by City Council.

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

Respectfully,



Chelsea Pesta
Assistant City Manager

Seth P. Tompkins, Esq. PLLC

Seth P. Tompkins, Esq.
seth@sethtompkinslaw.com

June 16, 2020

Attn Ms. Chelsea Pesta
Assistant City Manager/City Treasurer
City of Walled Lake
1499 E. West Maple Rd.
Walled Lake, MI 48390

Re: Iron Laboratories LLC's Request for Waiver Hearing pursuant to Article 21.50(q) of the City of Walled Lake zoning ordinance(s)

Dear Ms. Pesta,

In response to the City of Walled Lake's denial letter of Iron Laboratories LLC's application for a medical marijuana safety compliance facility business license, please let this correspondence serve as a request for a waiver hearing pursuant to Article 21.50(q) of the City of Walled Lake zoning ordinances(s).

Specifically, Iron Laboratories LLC would like to request a waiver of the 500 foot distance requirement currently in place which would prevent the request to provide a business licenses for my client operate a state licensed marijuana safety compliance facility within 500 feet of a marijuana provisioning center (yet to be built).

Because a safety compliance facility is not generally open to the public there is limited impact that its operation will have on traffic, surrounding businesses and residents. Also, Iron Laboratories is presently operating under a license with the State of Michigan at its present location. There are significant burdens, both logistically and financially, associated with relocating a licensed and ISO certified laboratory. In short, without granting this waiver, Iron Laboratories LLC would most likely go out of business.

For the above reasons, and other reasons which will be presented to the City Council, good cause exists to grant the requested waiver. I would kindly request that this matter be expedited as time is of the essence in obtaining a renewal attestation from the city to comply with the state's requirement to renew its MMFLA license.

Thank you for your help in this matter.

Very truly yours,

Seth P. Tompkins

Attorney for Iron Laboratories LLC

Business Transactions * Civil Litigation * Employment * Regulatory Law

26100 American Dr # 500, Southfield, MI 48034