

**PLANNING COMMISSION**

A Regular Meeting of the Lincoln Park Planning Commission was called to order on June 8<sup>th</sup> 2016 at 7:00 p.m., Chairman Kissel presiding.

PRESENT: Commissioners Graczyk, Horvath, Medina, Briones, Kissel

ABSENT: Commissioner Bush, Kelsey, Palmer

EXCUSED: Bush, Kelsey, Palmer

ALSO PRESENT: Salim Huerta, Leah Dumouchel, Mayor Karnes, Matt Coppler and Applicant.

The agenda was approved as written.

**OLD BUSINESS**

None.

**NEW BUSINESS**

**PC#16-01- Medical Marihuana Facilities**

Resolution to request a legal opinion regarding the number of caregivers permitted per medical marihuana facility by the City of Lincoln Park Ordinance

WHEREAS, the City of Lincoln Park permits Medical Marihuana Facilities pursuant to Resolution 2010-268A of 2010; and

WHEREAS, such facilities are regulated by Section 1286.03(h) of the Lincoln Park Zoning Code; and WHEREAS, an application has been submitted to establish a Medical Marihuana Facility at 1600 John A Papalas Drive; and

WHEREAS, subsection 1286(h)(4) of the Lincoln Park Zoning Code states, "The location from which a primary caregiver manufactures, stores, and distributes medical marihuana to a qualifying patient shall not be used by another primary caregiver for any purpose whatsoever"; and

WHEREAS, the applicant's legal representation has submitted a letter to the City of Lincoln Park asserting that in the definition of Medical Marihuana Facility in 1260.08(b) of the Lincoln Park Zoning Code, the combination of the words "facility" (singular) and "caregivers" (plural) "clearly indicates that the ordinance contemplate multiple primary caregivers at the same facility; and

WHEREAS, the letter further states that subsection 1286(h)(4) "should be interpreted to mean that the area within a facility accessible to one primary caregiver must not be used by another primary caregiver"; and

WHEREAS, the determination of the correct reading is a legal matter under the purview of the Lincoln Park City Attorney;

**MOTION BY:** Commissioner Medina  
**SUPPORTED BY:** Commissioner Horvath

**RESOLVED**

The city of Lincoln Park Planning Commission requests the Lincoln Park city attorney's office to supply a formal legal opinion regarding the number of caregivers permitted per medical marihuana facility by city of Lincoln Park ordinance.

**YEAS:** Briones, Graczyk, Horvath, Kissel, Medina

**NAYS:**

**ABSENT:** Bush, Kelsey, Palmer

**EXCUSED:** Bush, Kelsey, Palmer

**REPORTS FROM DEPARTMENTS AND OTHER BOARDS AND COMMISSIONERS**

NONE

**PUBLIC COMMENTS**

None

**ADJOURNMENT**

**MOTION BY:** Commissioner Graczyk

**SUPPORTED BY:** Commissioner Briones

**RESOLVED, to adjourn meeting at 7:36 p.m.**

**MOTION CARRIED UNANIMOUSLY.**

Minutes recorded and submitted by:

---

Kevin Kissel - Chairman