


City of Grand Rapids

ADMINISTRATIVE POLICY

NUMBER: 20-01	DATE: 08/18/20
REVISIONS:	
ISSUED BY: City Manager	SIGNED: 

SUBJECT: Recreational Cannabis Application Administrative Process

PURPOSE: To establish various administrative processes for City staff to efficiently and objectively process the applications for recreational cannabis zoning applications.

INTRODUCTION:

Due to demonstrated strong interest by property owners and persons in the recreational cannabis industry, and the complexity of managing multiple new cannabis-related land uses, the City Commission has established procedures for different recreational cannabis-related uses.

I. RECEIPT OF ZONING APPLICATIONS

- a. Cannabis applications will be considered either eligible for Director Review (DR) or required to file a Special Land Use (SLU) permit pursuant to Chapter 61 of the City Codes, Grand Rapids Zoning Ordinance. Application procedures and requirements may be found in Article 12 of the Ordinance.
- b. Director Review: Applications eligible for DR shall be received by the Planning Department from July 20, 2020 to July 31, 2020 8:00am to 4:00pm. Applications submitted after July 31, 2020 will be reviewed after all complete applications have been reviewed and processed, but not before November 1, 2020. Timeline for review might be affected if the proposed application requires a sensitive use waiver. Waivers will be processed upon receipt of the complete application.
- c. Special Land Use: Applications requiring an SLU shall be received by the Planning Department from September 1, 2020 to September 11, 2020, 8:00am to 4:00pm. Applications submitted after September 11, 2020 will be reviewed after all complete applications have been reviewed and processed, but not before November 1, 2020.
- d. Applications will be received at the Grand Rapids Development Center, 1120 Monroe Ave NW Third Floor, Grand Rapids, MI 49503. The ordering for consideration of applications is described in Part II of this policy. Guidance noted

in this Policy is for information only and does not take the place of the Zoning Ordinance requirements. It is strongly recommended that potential applicants make an appointment with the Planning Department well in advance of applying for any zoning approval to discuss specific requirements and processes.

II. PROCESSING OF APPLICATIONS

- a. Applications will be initially reviewed for completeness. The applicant will be notified by the City of Grand Rapids if the application is missing any necessary documentation and shall be afforded two business days (48 hours) from the date of the notice to provide the information. Inaction after two business days following the notice sent by the City will result in the application being rejected and deemed incomplete. Applications may be resubmitted but shall be considered a new application (this includes applications deemed complete by the City which the applicant may supplement by submitting revised application materials).
- b. Equity Applicants (EA): Applications by EAs will be reviewed for verification of the EA criteria found in the Cannabis Social Equity Policy (CSEP). Processing of these applications will be done in the order they were received. If an application is complete but the applicant does not qualify as an EA based on the criteria from CSEP, it will not be considered an EA application and will follow the review process in Part II (c) below.
- c. Applications Advancing Equity (AAE): Staff will review each of the social equity commitments listed on the application, in accordance to the CSEP. A Cannabis Industry Social Equity Voluntary Agreement (CISEVA) form will accompany the application, and all applicants will declare their equity commitments upon signing the form. Following revision of the submitted documentation, the application will be awarded a score between 0-45 points. Once an application is accepted by the City, the signed CISEVA form becomes legally enforceable. The Planning Director, in consultation with the City Attorney's Office, will make the final determination as to the number of equity commitments and points in the applications.
- d. Tiering of Applications: After all applications have been assigned points or determined to be an application by a qualifying EA, they will be tiered as follows:
 1. Tier 1: Applications with over forty (40+) points
 2. Tier 2: Applications between thirty (30) and thirty-nine (39) points
 3. Tier 3: Applications between twenty (20) and twenty-nine (29) points
 4. Tier 4: Applications between ten (10) and nineteen (19) points
 5. Tier 5: Applications with under ten (0-9) points
- e. Director Review: Applications that qualify for DR will be processed as follows:
 1. August 2020: Review and processing of all applications by qualifying EAs and Tier 1 applications. Applications by EAs will be processed before AAEs
 2. September 2020: Review and processing of all Tier 2 and 3 applications
 3. October 2020: Review and processing of all Tier 4 and 5 applications
- f. Special Land Use (SLU): Applications that require an SLU will be ranked based on their total number of points. For applications with a same number of points, a tie breaker in the form of a draw will take place on September 28, 2020 at 1120 Monroe Ave NW. Following the tiebreaker, all applications will be ranked in order and queued for the next available Planning Commission (PC) meeting.

III. CANNABIS ZONING APPROVALS VIA DIRECTOR REVIEW

- a. DRs are used where effects on the surrounding neighborhood are minimal because other uses permitted in the same Zoning District are compatible with the facility, or a smaller facility size limits the potential effects.
- b. Should a rezoning be necessary, the application for the new Zoning District must be processed separately but may be considered concurrently with either the DR or SLU. No action on the zoning approvals shall be final until the City Commission approves the rezoning and the effective date is reached. Rezoning applications are processed in accordance with the procedures and requirements of Section 5.12.10.
- c. Applications for zoning approval shall be submitted to the City of Grand Rapids Planning Department in accordance with Section 5.9.19.G. No applications will be accepted for further review and processing until all application requirements, fees, and materials have been received and accepted by the Planning Department. Once accepted, applications will be scheduled and processed in accordance with this Policy.
- d. Table 5.9.19 provides for the various Zoning Districts and approvals for cannabis facilities of all types (New, Expansion, Conversion). Any application eligible for a DR shall be made in accordance with the requirements of Section 5.12.16.
- e. During the approval process for these facilities the reviewing and approving authority will take into consideration the use type and type of activities; hours of operation; the potential use of police resources which could reasonably be anticipated to be generated by the proposed establishment, both outside and inside, with particular emphasis upon noise, calls for service, trespass enforcement, parking, vehicular use by patrons, and vandalism and the secondary effects resulting from these uses. More specifically, these may include the hours of operation of the proposed establishment will have upon neighboring properties, with attention to the effects of noise, odors, litter, loitering, parking, and glare from exterior lighting or headlights on nearby residential properties.

IV. PLANNING COMMISSION AGENDAS FOR SPECIAL LAND USE APPROVALS

- a. SLU reviews are required where there is the potential for relatively greater effects on the neighborhood either because of its location, other uses allowed in the Zoning District, or the larger size of the facility. Applications for SLUs shall be made in accordance with the requirements of Section 5.12.09, including Site Plan Review in accordance with the requirements of Section 5.12.08.
- b. The scheduling of the PC agenda for SLU approvals is the responsibility of the Planning Director. The Planning Director shall determine the appropriate mix of cannabis applications and other zoning applications so that the normal operation of the PC is maintained.
- c. Due to the unique nature of separation buffers between sensitive uses and other cannabis facilities, and in order to ensure an efficient, fair, and accurate process to those applications that are drawn subsequent to others, the Planning Director may set the agenda so that any cannabis application that will be potentially affected by another cannabis application shall be scheduled at a PC meeting after

the hearing of the first application (as determined by the draw) within a particular geographic area where two or more applications might be affected by another. This method will provide certainty and inform applicants scheduled for a later meeting that are outcome-dependent on other applications. This process will not re-order the applications but each application in a dependent chain ("influence area") will be heard at a later PC meeting in the same order.

- d. The City Manager also recognizes that an initially large number of cannabis applications could have an impact on regular and orderly development of other land uses in the City. Many of these other projects are time-sensitive and dependent on outside funding sources, both public and private. Purchase agreements and other real estate documents may be affected by delay. Therefore, the Planning Director shall have the ability to reserve at least 3 cases to non-cannabis applications per meeting. If a cannabis application is delayed for 90 days or more, then the Planning Director may waive this limitation and place the cannabis application on the PC docket.
- e. Changes in application eligibility. As SLU approvals are granted and cannabis facility separation distance buffers are created, complete applications will become ineligible for consideration. Staff will monitor all pending complete applications and "on file" applications for changes in eligibility. Where an application is no longer eligible for consideration, staff will notify the applicant of the ineligibility, refund the application fee as provided below, and close the file. SLU applications for a cannabis facility that is located within the separation distance of another cannabis facility shall not be placed on the PC agenda. The Planning Department shall not hold any SLU applications for speculative placement on a PC agenda or in any other circumstance which might be viewed as "placeholder" (e.g. if a proximate cannabis facility might fail to obtain State licensure). Should the Board of Zoning Appeals (BZA) grant a variance from the required separation distance, then evaluation of the SLU application shall be considered in the context of BZA approval.

V. FEES

- a. The Development Center, following the recommendations of the CSEP, will issue a fifty (50%) percent discount to qualifying EAs (upon verification of EA status).
- b. For all recreational cannabis-related applications, the Zoning Refunds Policy 93-01 shall apply.