

Bartley, Landon

From: Bartley, Landon
Sent: Friday, May 31, 2019 3:24 PM
To: Bartley, Landon; De Jesus, Angelica
Subject: Marijuana in Grand Rapids - May 31 update

Good afternoon,

I'm including you on this email because you have contacted me or another Planning staff member at some point about medical marijuana in Grand Rapids. If you no longer want to be on this list, please respond to let me know. If there are others that you think might want to be on the list, please forward this to them and have them contact me directly with questions or to be added to the list. Thank you.

Today's update is meant as to clarify some questions that staff has been frequently asked following the draw that took place a few weeks ago. I hope you find this helpful. There are many important updates here so please take a few minutes to carefully review the entire email.

The Planning Commission reviewed two marijuana requests last Thursday, May 23. You can view the video of the hearings for those items here: <https://www.facebook.com/CityofGrandRapids/videos/2508354999393454/> We are aware of problems with the video and have been working with Facebook to fix those. Summary minutes from that meeting are currently posted online at http://grandrapidscitymi.igm2.com/Citizens/Detail_Meeting.aspx?ID=5513. Detailed minutes are still in process and will be available on that page once they are completed (likely early next week).

TIMING FOR ITEMS NEEDED FOR PLANNING COMMISSION

If you are an applicant with one or more applications in the queue for a Planning Commission hearing – do not let your application languish. As you know, we allow some items (the Good Neighbor Plan and CPTED Plan) to be submitted in draft form at the time of application, with the expectation that those items will have been completed by the time that application goes to the Planning Commission.

The deadline for those items (GNP, CPTED) to be complete and submitted to the Planning Department is **noon (12 pm Eastern time) on the Wednesday of the week prior** to the Planning Commission meeting – that is, **8 days before the meeting** during which the application is scheduled to be considered. This deadline is necessary to give staff enough time to include the documentation in the packet so that the Planning Commission can review it. To avoid having your application postponed or denied by the Planning Commission agenda because a GNP or CPTED plan is not finished, we suggest taking early action to complete any remaining work. This may include meeting(s) with neighbors, neighborhood associations, committees, business associations, Corridor Improvement District (CID) board, and so on. Items sent after 12 PM noon on that Wednesday will still be forwarded to the Planning Commission, **but not until the day of the meeting itself**, and may or may not be considered by the Commission. These items will also be marked as having been submitted after this deadline.

An important note: Be mindful of the time it takes to prepare and complete a meaningful Good Neighbor Plan! Applicants are given months to work on this aspect of the application. The Planning Commission takes neighborhood engagement very seriously, and is not inclined towards leniency if it is clear that an applicant has rushed the process or cut corners in this regard. Successful neighborhood meetings take advance time to schedule, set up a convenient and accessible location, and advertise to neighbors. Don't wait until the last minute – it won't work out well for you.

TABLING

The Planning Commission rarely tables (postpones) applications. Tabling generally takes place if the Planning Commission feels that they cannot make a decision for some reason – such reasons might include lack of adequate or

effective neighborhood engagement, significant late changes to plans, etc. **Tabling will result in the application being moved to the END OF THE QUEUE.** Given the competitive aspect of these applications, this could be extremely disadvantageous to an applicant. To reduce your application's chances of being tabled, engage the community early and often, to have the Good Neighbor Plan finished well before the Planning Commission's deadlines. Make sure the GRPD has had adequate time to review and approve your CPTED plan. Have your design professional review your preliminary plans and make changes as necessary earlier rather than later.

CHANGES TO APPLICATIONS AND TRANSFERS OF PROPERTIES AFTER APPROVAL

We have received many questions about applicants buying other applicant's properties, or applications, or places in the queue. These are not transferable items. The queue order was set based on the draw and is used by staff for scheduling hearings on the Planning Commission agenda. While cases may not go to the Planning Commission in the exact draw order, they will go in that order within each influence area. **You cannot change your application's position in the queue.** We also have no mechanism to allow for a substantial change to an application after approved – such as changing the land use type. If you need to make a major, substantive change to an application, you will likely need to withdraw that application and reapply (and be placed at the end of the queue). Furthermore, if you purchase a property from an applicant that is currently in the queue, we also do not have a mechanism to change applicant mid-process. You would probably want to work out a contract to take over the property after approval. Who presents at the Planning Commission is totally up to you. Finally, please remember that **conditions of approval, including MIVEDA commitments, stay with the property regardless of the applicant.**

PARKING REQUIREMENTS

During discussion following the public hearings at the May 23 Planning Commission meeting, Commissioners discussed the parking requirements for medical marijuana facilities, specifically in regards to provisioning centers. It is not currently clear in the Zoning Ordinance whether provisioning centers should be treated as "Retail Sales – General" land uses or more like "Medical Office" land uses, which have a higher parking requirement. Because of this, we will be calculating parking requirements for **both** categories when presenting to the Commission. You can find parking requirements for these and other uses in Table 5.10.04.C. of the Zoning Ordinance, which is available for download here if you are so inclined: <https://www.grandrapidsmi.gov/Government/Programs-and-Initiatives/Zoning-Ordinance>. The table starts on page 10.11 of the Ordinance, which is page 224 of the PDF.

MEETING WITH STAFF RE: NEW APPLICATIONS

The draw has come and gone. However, applications are still being accepted and can be submitted at any time. At this point, any application found to be complete upon submission will be accepted and placed into the queue after those 80 applications in the draw, in order of being complete. A common question we've received is whether a meeting with Planning staff is required prior to applying. **Yes, a meeting is required** for any address at which an application will be submitted, although we can consolidate meetings to discuss multiple applications if that is the intent. Some of you have disputed this and hold that such a meeting is not required. Per Section 5.12.06.D.3.c., when a Good Neighbor Plan is required, which it is for all marijuana facilities, you must be able to demonstrate that you (owner, operator, manager, or representative) have met with (1) the local recognized organization, (2) adjacent property owners, and (3) the Planning Department.

When requesting a meeting, please give us some lead time. Since the draw, things have **not** slowed down, and we have limited availability, including for walk-ins. Preferably, send an email to me and my colleague Angélica with a range of dates and times that you can meet. At that point, we will do our best to respond as soon as we can. In some cases we may be able to schedule this meeting by phone, if you send us your preliminary application materials in advance for review.

Later, in your application, please remember to include documentation of these meetings. While in some cases I can look at my calendar and confirm that I did meet with somebody on some date, the address which we discussed during a meeting is not always clear, and in some cases the representative with whom I/we met is not always clearly tied to an application. Please include documentation – who was at the meeting, for what application/address, and the meeting's date, time, and location.

SCHEDULING OF CASES

Public notices are typically prepared by Planning staff and sent to the Clerk **23 days before** of the date of the Planning Commission meeting. Moreover, Special Land Use decisions made by the Planning Commission do not go into effect until **16 days after** the hearing date. Because of this staggered timing, it is quite probable that a situation could arise in which the public hearing notice for a subsequent meeting is due *before* the preceding meeting takes place, and that the preceding meeting's decisions may not take effect until *after* the subsequent meeting takes place. This could be problematic for marijuana facility approvals given the importance of the queue and order of consideration. Therefore, we will be scheduling items from each influence area on **every other** Planning Commission agenda, but always in the queue order for a specific influence area.

So, for last Thursday's meeting, applications from influence areas I and M were considered. Therefore, the next available meeting for applications in either of those influence areas will be the meeting *after* the next (on June 27). I hope this makes sense. You can check the Planning Commission's meeting schedule on this page:

<https://www.grandrapidsmi.gov/Government/Boards-and-Commissions/City-Planning-Commission> - open the "Meeting Details" section. The best place to locate hearing dates as applications are scheduled on the Commission's agenda is in the online table of applications on our website: <https://www.grandrapidsmi.gov/Government/Programs-and-Initiatives/Medical-Marijuana/Applications>. Click on the "Hearing Date" column header to sort the table by that column and quickly see the hearing dates.

Note that if a Planning Commission decision is appealed, all applications within that application's influence area will be delayed until the appeal is decided.

VIEWING PLANNING COMMISSION AGENDAS & ATTACHMENTS

Please visit and bookmark this web address: <http://grandrapidscitymi.iqm2.com/Citizens/Board/1007-City-Planning-Commission>.

As cases are scheduled on a Planning Commission agenda, information and attachments about those cases will be posted there. We typically post a very brief description of the case and (publicly accessible) attachments online approximately 16 days prior to the date of the hearing. On the Friday that falls 6 days prior to the date of the hearing, we will post any additional attachments, and will provide a more detailed staff report. You can register on the web portal to receive notices of upcoming public hearings, both when we originally provide the notice via this system 16 days before the hearing, and when the full agenda packet is posted the Friday prior.

CORRESPONDENCE DIRECTED TO THE PLANNING COMMISSION

If you would like to provide correspondence to the Planning Commission, it is best sent to staff. **Do not try to communicate directly with any Planning Commissioners as this will cause problems for you** and for the Commissioner(s). Preferably, send written correspondence via email to me and Angélica. Please know that anything sent to the Planning Commission will become public record... so do not include any sensitive information you are uncomfortable being accessed by the public. Along those lines, as a general rule please refrain from forwarding correspondence from somebody else to us, but instead ask them to contact us directly. We may not be able to include their correspondence if there was no expectation by them that it would be forwarded to the Planning Commission and become public record. Written correspondence sent to me **prior to 12 PM noon on the Friday (6 days)** before the Planning Commission hearing can generally be included in the Commission's packet. Note that information provided by the public before noon on Friday will not be analyzed by Planning staff; it will be considered "as is." Items we receive after that time and before 9 am on the day of the hearing will still be forwarded to the Planning Commission, but not until the day of the hearing. These items will also be marked as having been submitted after the deadline.

AN EVOLVING PROCESS

Throughout this process we have been learning from, and responding to various scenarios and challenges that for many reasons we simply could not foresee. As we move forward, and State rules continue to evolve, we continue prioritizing transparency of this process, a focus on treating each applicant equally and taking actions that consider applicants with

fairness and respect. We are doing our best in this regard, and greatly appreciate your patience and understanding as we continue to try to improve our administrative processes. As Planning Commission decisions begin to take effect, we will update the table and map on [the City's marijuana website](#) accordingly. Keep checking often. We are also working on a transition of that website from one geared primarily towards applicants into one that will address other parties' interests and concerns, too. No information will be removed... but changes are coming and we want you to be aware.

As always, thank you for your continued questions, comments, and suggestions. Please remember that all past update emails can be found at <https://www.grandrapidsmi.gov/Government/Programs-and-Initiatives/Medical-Marijuana/Contacts>.

Best wishes,

Landon Bartley, AICP

Senior Planner

City of Grand Rapids

He/Him/His

616-456-4499

lbartley@grcity.us