



City of Grand Rapids Cannabis Deliberative Discussion

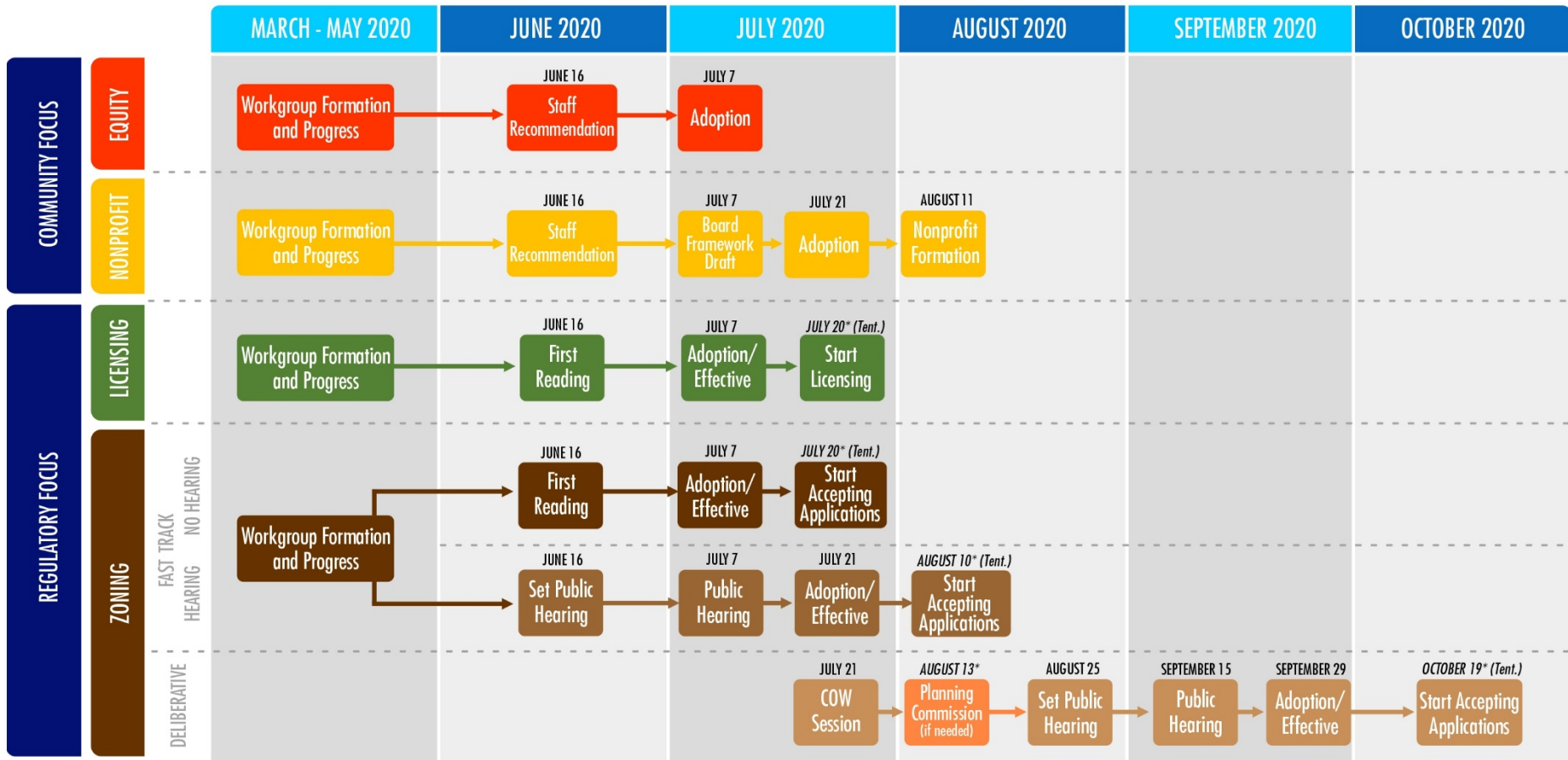
July 21, 2020

Cannabis Justice Workgroup



- City Commission recently approved/adopted the recommendations of the CJWG to improve social equity outcomes for certain recreational cannabis business types within Grand Rapids' cannabis industry:
 - The Grand Rapids Cannabis Social Equity Policy
 - Licensing ordinance amendment
 - Zoning ordinance text amendment – “Fast-Track”
 - Rescind City Commission Policy on Park Waivers
- Two remaining CJWG recommendations:
 - Establish non-profit
 - Begin “Deliberative-track” zoning recommendations

Timeline



*Indicates non-City Commission dates

Retail Marijuana Fast-Track Summary



- ✓ Allow recreational retailers as a special land use in all commercial zone districts.
- ✓ Allow recreational retailers in the industrial zone districts as follows:
 - ✓ Under 5k GFA with administrative review
 - ✓ Over 5k GFA with special land use approval
- ✓ Sensitive Use waivers granted to existing medical provisioning centers do not “transfers” to retail uses.
- ✓ Sensitive Use waivers are not available to new recreation retail facilities.

Non-Retail Marijuana Fast-Track Summary



- ✓ Allow Growers in the industrial zone district with administrative review.
- ✓ Allow Processors under 15k GFA in the industrial and most commercial (TCC, TBA, C, TOD, and PRD) zone districts with administrative review.
- ✓ Allow Processors over 15k GFA in the industrial and certain commercial (TCC and C) zone districts with Special Land Use approval.
- ✓ Allow Secure Transporters in the IT zone district with administrative review.
- ✓ Allow Secure transporters in the TCC zone district with Special Land Use.
- ✓ Allow Safety Compliance Facility in all commercial zone districts with administrative review.
- ✓ Good Neighbor Plan updates
- ✓ Establish minimum parking requirements for marijuana uses

Deliberative Track Considerations



1. Modify or eliminate current sensitive uses.
2. Modify or eliminate current separation distances.
3. Modify or eliminate current waiver requirements.
4. Allow microbusinesses.
5. Determine whether to permit designated consumption establishments.
6. Determine whether to permit marijuana events
7. Determine whether or how to provide path for the seven (7) Provisioning Centers that cannot add a recreational marijuana license under “Fast-Track” ordinance.

Important Considerations

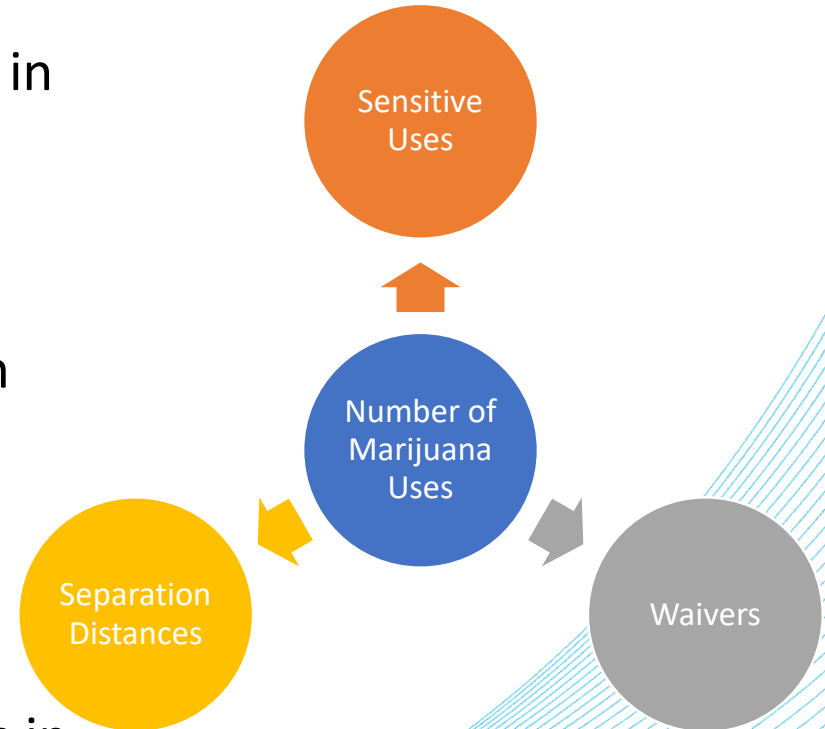


- Per State statute - Until December 6, 2021:
 - *Class A Grower & Microbusiness Licenses*: Only issued to Michigan Residents (at the time of license app. submittal)
 - *Class B & C Grower, Processor, Retailer, Secure Transporter*: Only issued to current medical marijuana licensees in Michigan (does not have to be in same municipality)
- 10% state excise tax is only assessed on sale of recreational marijuana products. 15% of excise tax revenue is distributed to municipalities in proportion to the relative # of retailer/microbusiness licenses in that community.

Sensitive Uses/Separation Distances/Waivers



- Eliminating sensitive uses will result in an increase in number of eligible parcels.
- Eliminating or reducing separation distances will result in an increase in the number of eligible parcels.
- Eliminating waiver process will generally hold current number of approved facilities with few opportunities for additional facilities in commercial districts. Opportunities remain in industrial zone districts.



Sensitive Uses



- **What?** K-12 Public or Private School (not waivable), Childcare Center (not waivable), Publicly owned park or playground (waivable), Religious Institution (waivable) and Substance Use Disorder Facility (waivable).
- **Why?** Protect certain uses from possible negative impacts, national research and helps control proliferation of marijuana uses.
- **Considerations.** Removing any sensitive uses would create additional available land for marijuana uses. Adding a new sensitive use would require Planning Commission consideration.

Sensitive Uses



- **Planning Commission recommendation:**
 - Keep K-12 Public or Private School (not waivable) and Substance Use Disorder Facility (waivable) as sensitive uses.
 - Remove Childcare Centers, Publicly Owned Parks and Playgrounds and Religious Institutions, allowing Special Land Use review process to control.
- **Director Recommendation:**
 - Maintain sensitive uses and separation distances until 12/06/21, but eliminate waiver process.

Separation Distances



- **What?** Separation distances are required between defined Sensitive Uses, marijuana facilities and residential zone districts.
- **Why?** Protect certain uses from possible negative impacts, national research and helps control proliferation of marijuana uses.
- **Considerations:** Removing any Sensitive Uses would create additional available land for marijuana uses. Adding a new Sensitive Use would require Planning Commission consideration.

Marijuana Facility Uses	Separation Distances (ft.)			
	Sensitive Land Use	Residential Zone District	From a Provisioning Center/Retailer	From another marijuana facility
Provisioning Centers and Retailers	1,000'	1,000'	2,000'	1,000'
Processors/Growers, with no retail component	1,000'	1,000'	1,000'	1,000'

Separation Distances



- **Planning Commission recommendation:**
 - Keep K-12 Public or Private School (not waivable) and Substance Use Disorder Facility (waivable) separation distances.
 - Remove separation distance requirement from Childcare Centers, Publicly Owned Parks and Playgrounds and Religious Institutions, allowing Special Land Use review process to control.
- **Director Recommendation:**
 - Maintain sensitive uses and separation distances until 12/06/21, but eliminate waiver process.
 - Reduce/eliminate separation distances for Microbusiness to provide additional opportunity (zone district dependent).

Waivers



- **What?** Waivers from certain sensitive uses (religious institutions, parks/playgrounds and substance use disorder facilities) are available for Planning Commission consideration.
- **Why?** Provide mechanism to waiver separation distance where potential impact is mitigated by nature features and/or built environment.
- **Considerations.** Eliminating waivers would result in a required 1,000' separation between provisioning centers, retailers, growers and processors and public parks/playgrounds, religious institutions and substance use disorder facilities (*reminder: 1,000' is also required between listed facilities and residential zone districts, K-12 schools and childcare facilities*).

Waivers



- **Planning Commission recommendation:**
 - Modify waiver criteria for ease of administration.
 - Eliminate publicly owned parks and playgrounds and religious Institutions, as sensitive uses, thus eliminating applicability of waivers from said uses. control.
- **Director Recommendation:**
 - Maintain sensitive uses and separation distances until 12/06/21, but eliminate waiver process.
 - This will mean that all new facilities must be at least 1,000' from a K-12 school, childcare center, religious institution, , explain hard cap.
 - **If waivers are not eliminated, that may affect other recommendations under the “deliberative-track”

Microbusiness



- **What?** Allows the operation of a vertically-integrated cannabusiness that grows, processes, and sells its own cannabis at retail to adults over 21 years old.
 - grow up to 150 cannabis plants,
 - process cannabis into concentrates, edibles, or other infused products,
 - package the finished products, and
 - sell to adults who are over the age of 21.
 - Cannot sell or transfer any products to any other adult-use establishments.
- **Considerations:** Until 12/06/21, state licenses only available to Michigan residents. Generally considered as a cannabis use that has a lower barrier to entry.

Microbusiness



- **Planning Commission Recommendation:**

- Director review in SD-IT, Special Land Use in TCC, TOD, TBA, or C zone districts
- 1000' from Public or Private K-12 school (not waivable), State-licensed substance use disorder program (not waivable)
- 1,000' from another marijuana facility except for co-locations on the same property (not waivable)
- 1000' from residential zoning on same street (not waivable)

- **Director Recommendation:**

- Director review in SD-IT, Special Land Use in TCC, TOD, TBA, or C zone districts
- 1000' from defined sensitive uses and residential zone districts.
- No separation distances from other facilities when located in the IT zone district.
- 500' separation distance from another facility when located in the TCC and C zone districts.
- 1000' separation distance from another facility when located in the TOD and TBA zone districts.

Designated Consumption Establishments



- **What?** New license type that was introduced by the emergency rules for recreational marijuana. It is a facility that would permit adults (21 years or older) to consume marijuana products on the premises.
- **Considerations.**
 - Staff visited (the first) licensed DCE in Denver, but considering the lack of such facilities in Michigan or any other States, it was difficult to develop appropriate land use regulations without better understanding the potential impacts to the community.
 - State rules prohibit the sale or service of food and beverages at this type of establishment, which was a source of concern expressed by the DCE operator in Denver and other potential local proprietors in conversations with staff.

Designated Consumption Establishments



- **Planning Commission Recommendation:** Land use is not proposed at this time but may be considered in the future, and may warrant topic-specific engagement with the community.
- **Director Recommendation:** Land use is not proposed at this time but may be considered in the future, and may warrant topic-specific engagement with the community.
 - Note: Should City Commission chose to add this as a permitted land use type, a Planning Commission recommendation is required.

Marijuana Events



- **What?** This type of event allows for the onsite sale or consumption of marijuana products. Such a use may potentially have many unexpected land use impacts, especially if hosted in a park or similar public space.
- **Considerations:** If permitted, additional City policies (i.e. smoking in public spaces) may be required to accompany this use type.

Marijuana Events



- **Planning Commission Recommendation:** Land use is not proposed at this time but may be considered in the future, and may warrant topic-specific engagement with the community.
- **Director Recommendation:** Land use is not proposed at this time but may be considered in the future, and may warrant topic-specific engagement with the community.
 - Note: should City Commission chose to add this as a permitted land use type, a Planning Commission recommendation is required.

Impact of “Fast-Track” ordinance



- **What? Better explain two waiver limits of fast-track ordinance.**
- There are seven (7) approved provisioning centers that cannot apply for a recreational retail use type because the approved facilities required sensitive use waivers. Under the “fast-track” ordinance amendment, sensitive use waivers do not “transfer” and no new recreational retailer is eligible for a waiver.
-

Impact of “Fast-Track” ordinance



- **Director Recommendation.** Provide ordinance language to allow Provisioning Centers that established land use rights as of 07/07/20 to require Planning Commission approval for the “transfer” of the waiver as part of the recreational retail Special Land Use consideration.

Commission Decision Points



“Deliberative-Track” Issue	Director Recommendation
Sensitive uses	No changes
Separation distances	<ul style="list-style-type: none"> • No changes for current uses • Reduce facility separation distances for microbusinesses
Waiver	Eliminate
Microbusinesses	<ul style="list-style-type: none"> • Director review in SD-IT, Special Land Use in TCC, TOD, TBA, and C zone districts. • 1000' from defined sensitive uses and residential zone districts. • No separation distances from other facilities when located in the IT zone district; 500' separation distance from another facility when located in the TCC and C zone districts and 1000' separation distance from another facility when located in the TOD and TBA zone districts.
Designated consumption establishments	Not at this time
Marijuana events	Not at this time
Approved Provisioning Centers that cannot add a recreational marijuana license under “Fast-Track” ordinance	Authorize Planning Commission to approve a “transfer” of a sensitive use waiver as part of the Special Land Use consideration for recreational retail use.