

**CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
January 19, 2022**

Chair Jane called the January 19, 2022, regular meeting of the Planning Commission, to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Kasey Thompson, Megan Eppley, Sarah Montgomery, Jacob Buse, Chris Jane, and Rory Ruddick

EXCUSED None

ABSENT None

ALSO PRESENT Paula Priebe, Community Development Director
Emily Szymanski, Planning & Zoning Technician

There were 6 audience members.

APPROVAL OF MINUTES

Motion was made by Sarah Montgomery, seconded by Jacob Buse, to approve the minutes of the August 18, 2021, meeting of the Planning Commission as presented, with no changes. Motion was passed with all in favor.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

None heard

PUBLIC HEARINGS None

GENERAL BUSINESS

Study Session: Proposed Zoning Ordinance Amendment to allow Marihuana Businesses to engage in Curbside Pickup

Staff Report

Priebe summarized the Staff Report, stating that the City Commission adopted a series of Ordinances in October 2019 to permit and regulate marihuana businesses in the City of Big Rapids. The current Ordinance states that curbside marihuana sales are prohibited, however, due

to the COVID-19 Pandemic, curbside sales have been allowed temporarily. One potential change to the Zoning Ordinance is whether to allow curbside sales and dispensing of marihuana in commercial type facilities. The two amendments do two things: 1. Formally allow curbside marihuana pickup, and 2. Prohibit marihuana curbside pickup on public streets and in public parking lots. This amendment would impact all local marihuana businesses in some way. Those with private, off-street parking lots would need to request a “Curbside Sales and Dispensing Designation” and meet the requirements to receive one in order to engage in curbside service. Those marihuana businesses in the downtown which do not have private off-street parking and rely on public parking would be prohibited from engaging in curbside services.

Discussion ensued over the following topics:

- Montgomery stated that she believes that the current curbside Ordinance, which prohibits curbside for marihuana businesses, should remain unchanged because of concerns regarding marihuana and the criticism the City might receive if allowing curbside sales of marihuana.
- Buse stated that he doesn't like the middle-ground option and stated that either the City should allow curbside for every marihuana business or not. He also stated that if alcohol curbside sales are prohibited, why would marihuana curbside sales be allowed?
- Thompson stated that she doesn't agree with the comparison between curbside marihuana sales and curbside alcohol sales because if something isn't allowed in one industry but is allowed in another, they shouldn't be compared as if they are the same. She stated that if the City doesn't take steps forward and evolve, these occupied storefronts will become vacant again like they have in the past. Cars in the downtown area show growth, vitality, and energy. Anything that the Planning Commission can do to help keep the thriving economy, the Planning Commission should support.
- Jane stated that he doesn't like marihuana salespeople doing business outdoors because of the public perception of marihuana in the City of Big Rapids.
- Thompson stated that if other businesses are legally permitted to conduct curbside sales, marihuana businesses shouldn't be viewed any differently.

The Planning Commission asked the marihuana business representatives in attendance for any additional comments on the topic, specifically regarding the percentage of sales that are from curbside. The following individuals spoke:

- Justin Forrest, Manager of RAIR, stated that they have many medical marihuana customers and mobility may be of concern for some. The curbside option provides a much-needed accessible option. Regarding the percentage of curbside sales, Forrest stated that approximately 20% of all sales are from curbside.
- Joseph Stankowski, District Manager of Lume Cannabis Co., stated that with being a medical facility, a large portion of curbside sales are from medical patients with physical or mental disabilities.
- Nathan Kark, Director of Government Affairs of Skymint, stated that curbside sales have increased during the Pandemic and have stuck around since. The sales breakdown at Skymint comes to 25% of sales being from curbside and the other 75% of sales are in-

store transactions. Customers have grown accustomed to curbside sales and meeting the needs of the consumer is crucial.

- Andrew LeVeque, Store Manager of Dunegrass, stated that between 20-25% of total sales are from curbside orders. Although Dunegrass only offers recreational marihuana, their business still gets many customers that have medical limitations which make it difficult and even impossible to shop in-store.
- Katie McLeod, resident of 204 Rose Avenue, stated that these Ordinance changes also impact the residents that support these businesses. Ms. McLeod and her daughter walk downtown daily and never witness any issues from curbside sales. Although she is not a customer at the marihuana businesses, marihuana is legal in Michigan, and this is not a conversation of whether or not marihuana businesses should be located in Big Rapids. Marihuana is legal and businesses are here, so the City should decide based on the right reasons.

Staff also received one written piece of communication (attached to these minutes) from David Kotler, Chief Executive Officer at Lake Life Farms. Mr. Kotler stated that allowing marihuana businesses that have private parking to conduct curbside sales will create a disadvantage to those located downtown without private parking. These potential Ordinance changes come at a time when competition has increased substantially.

Staff will research how other communities are handling curbside sales and bring this information to the Planning Commission at a future meeting.

Study Session: Zoning Ordinance Amendments related to Redevelopment Ready Communities regarding Housing Types

Staff Report

Szymanski provided an overview of the different housing types to the Commission and summarized the housing discussion that the Planning Commission has had thus far. The Planning Commission has discussed the following items: the Housing Study and housing types, as well as adding a Use Table. Szymanski stated that instead of a lengthy list of uses, the Use Table will allow for more of a user-friendly experience. One other major change in the Zoning Ordinance includes adding Section 4.2 to Chapter 4: General Provisions. This new Section will address architectural standards in the various Districts and also create residential and building design standards that the current Zoning Ordinance is lacks. Priebe stated that under the current Zoning Ordinance, single-family homes, duplexes, and apartments are allowed. The Staff recommendation is to modify the definition of a 'house' so that one, two, or three units would still be considered a house due to having standards that require homes to fit the character of the neighborhood.

Commissioners discussed the following:

- Eppley asked if the new Ordinance would allow six or more units like some homes currently have. Priebe stated that the proposed changes would allow up to three units. There would also be other limitations such as the number of unrelated persons allowed in each unit. In the R-1 Residential District, up to three units would be allowed, but each unit could only be rented to one person or a functional family.
- Ruddick asked how the Ordinance changes would impact existing homes in Big Rapids? Would homeowners be allowed to divide their home and rent the other units out? Priebe stated that with the proposed changes, yes, homeowners could divide their homes provided they met the requirements.

Staff will provide the Commission with draft language for the updated Definitions Section at a future meeting.

UNSCHEDULED BUSINESS

Capital Improvement Program (CIP)

Priebe stated that the finalized CIP will be brought to the Planning Commission in February and invited Commissioners to attend the meeting where City Staff discuss the next year's projects. Staff will email the Commission with the date and time of the meeting.

There being no further business, Chair Jane adjourned the meeting at 7:57 PM with all in favor.

Respectfully submitted,

Emily Szymanski

Planning & Zoning Technician and Planning Commission Secretary