

***Planning Commission  
Regular Meeting***

Big Rapids City Hall  
226 N Michigan Avenue

January 16, 2019  
6:30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
  - a. 20 December 2018
5. Public Comment Not Related to Items on the Agenda
6. Public Hearing
7. General Business
  - a. Public Participation Plan
  - b. Hanchett Charrette on Thursday 24 January 2019
  - c. Upcoming training program on “Managing Risk” from the Michigan Association of Planning
8. Unscheduled Business
9. Adjourn

**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
December 20, 2018  
UNAPPROVED**

Vice Chair Jane called the December 20, 2018, regular meeting of the Planning Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Renato Cerdena, Paul Jackson, Chris Jane, Rory Ruddick, Tim Vogel

**EXCUSED** John Schmidt, Bill Yontz

**ABSENT**

**ALSO PRESENT** Mark Gifford, City Manager  
Cindy Plautz, Neighborhood Services Coordinator  
Paula Priebe, Neighborhood Services Director

There were 15 audience members.

**APPROVAL OF MINUTES**

**Motion was made by Tim Vogel, seconded by Paul Jackson, to approve the minutes of the November 28, 2018, meeting of the Planning Commission as presented.**

**Motion passed with all in favor.**

**PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA**

None heard.

**PUBLIC HEARINGS**

**Public Hearing for Site Plan Review for Construction of a Club House for Parklane Apartments at 521 Fuller Avenue (Campus Village Communities)**

**Vice Chair Jane opened the Public Hearing at 6:33 p.m.**

Priebe reviewed her staff report for the Commission. The property is a legal non-conforming use in the R-2 Zone, with R-3 limits. No additional parking is required for this accessory use as all required parking for the primary use of the apartment complex has been met. The landscaping



plan meets the Zoning Ordinance standards and the storm water plan is still under review. One point she wanted to make is that Public Safety recommends the sidewalks be increased from 6 feet to 8 feet to accommodate access of a fire truck to the building.

Staff recommends approval of the site plan.

### **Applicant Statement**

Greg Schafer, 4023 Dixie Anna Court, Rochester Hills, MI, said that the apartment complex has been here for a while and the owners would like to improve the property by adding a club house, pool and leasing office. They also plan on doing some exterior upgrades to the Rapids and also some upgrading of individual units.

### **Those Who Spoke in Favor**

None heard.

### **Those Who Spoke in Opposition**

None heard.

### **Telephonic or Written Correspondence Received by Staff**

There was no written or telephonic correspondence received by staff.

### **Applicant Rebuttal**

None heard.

**Vice Chair Jane closed the Public Comment portion of the Hearing at 6:36 p.m. and the Commission entered into Fact Finding.**

Vogel asked the following questions:

If the landscaping would be irrigated – Yes.

If the lighting would be “dark sky” – Yes, LED lights would be directed at sidewalks.

If a dumpster enclosure is planned – No, an enclosure is not planned the walkway needs to be accessible. Gifford added that an enclosure is not required as this is an existing site.

If a pool is planned and if there are issues with a public pool – Yes, and State regulations will be followed.

Are they willing to widen the proposed sidewalk to 8 feet per Public Safety request – Yes.

The applicant said they could look into the cost of enclosing the dumpster.

## **Motion**

**Motion was made by Tim Vogel, seconded by Paul Jackson to approve of the Site Plan dated November 27, 2018, for construction of a 1,965 sq. ft. club house with pool at 521 Fuller (Campus Village Communities) with the following conditions:**

- **The proposed sidewalk shall be widened from 6 to 8 feet.**
- **The proposed dumpster shall be enclosed.**
- **The Storm Water Plan shall be constructed as approved by Public Works.**

**Motion passed unanimously with Renato Cerdena, Paul Jackson, Chris Jane, Rory Ruddick, and Tim Vogel in favor.**

## **Public Hearing for Site Plan Review for the Construction of a Rental Office at 217 Morrison Avenue (Campus Village Communities).**

**Vice Chair Jane opened the Public Hearing at 6:42 p.m.**

Priebe reviewed her staff report for the Commission. After demolition of the current structure, the applicant intends to construct a 1,399 sq. ft. rental office. The property is zoned C-2 and the proposed use will be consistent with this zoning district's permitted use.

Staff recommends approval of the site plan.

## **Applicant Statement**

Greg Schafer, 4023 Dixie Anna Court, Rochester Hills, MI, restated that they wanted to upgrade their properties with a rental office.

## **Those Who Spoke in Favor**

Bob Whalen, 304 Rust Avenue, Big Rapids, and Greenwich Parkway NW, Washington, DC, who is part owner of Walnut Knoll, wanted to thank the applicant for their investment in the community and he added that it will be a wonderful addition.

## **Those Who Spoke in Opposition**

None heard.

## **Written or Telephonic Correspondence Received by Staff**

Priebe received a call from Betty Goldammer 220 Morrison, Big Rapids, MI, who lives across the street from the proposed rental office. She wanted more information about the project and

said she was in favor and that the addition of a sidewalk would add safety for those walking in the area.

Staff recommends approval of the site plan.

**Vice Chair Jane closed the Public Hearing at 6:45 and the Commission entered into Fact Finding.**

Vogel inquired about the following:

The width of the sidewalk – are they willing to widen to the 6-foot standard – Yes.

The property could use one tree in the right of way to the east of the drive - Okay.

Will the landscaping be irrigated? – Yes.

What type of sign will be provided? – Stand alone sign with lighting which will meet the Sign Ordinance regulations.

As there are residences nearby, will the general lighting of the property be “dark sky”? – Yes.

### **Motion**

**Motion was made by Tim Vogel, seconded by Paul Jackson to approve the site plan, dated November 27, 2018, for construction of a 1,399 sq. ft. rental office at 217 Morrison with the following conditions:**

- **The 5-foot sidewalk shall be widened to 6-foot per City standards.**
- **The Storm Water Plan shall be constructed as approved by Public Works.**

**Motion passed unanimously with Renato Cerdena, Paul Jackson, Chris Jane, Rory Ruddick, and Tim Vogel in favor.**

### **GENERAL BUSINESS**

#### **Capital Improvements Programming Policy**

It was found that the 2013 Capital Improvement Programming Policy was out of date and needed to be updated. Priebe reviewed the proposed *CIP Process Schedule and Groups* document and also highlighted the changes to be made to the *Capital Improvement Programming Policy*.

The 2018 updated *Capital Improvement Programming Policy* would read as follows:

#### **I. Intent**

It is the intention of the City of Big Rapids, through the process of capital improvement programming, to promote both long term financial stability of the community and long-term integrity of municipal facilities, structures, and equipment.

## **II. Development**

### **A. Definition**

As used in the City of Big Rapids Capital Improvements Program (CIP), a capital improvement project is defined as a project that results in the acquisition, addition, updating, or development of physical facilities.

A capital improvement project may also include contractual or bonded indebtedness payments related to fix assets, or any major expenditure for physical development, which generally falls into one of the following categories:

1. Land and non-structural improvements
2. New structures
3. Major repairs - \$7,500 or more
4. Major replacements - \$7,500 or more
5. Non-motorized equipment - \$7,500 or more

Additionally, capital improvements are generally defined as the following:

- a) New and expanded physical facilities for the community which are relatively large-in-size, expensive, and permanent.
- b) Large scale rehabilitation or replacement of existing facilities.
- c) Major pieces of equipment which has a direct relationship to the function of a physical facility, and which are relatively expensive and of long life.
- d) Purchase of equipment for any public improvements when first erected or acquired that are to be financed in whole or in part from bond funds.
- e) The cost of engineering and architectural studies and surveys related to an anticipated improvement.

### **B. Development Schedule**

1. The Department of Neighborhood Services shall prepare a recommended schedule for creation and adoption of a six-year CIP annually.
2. In so far as practicable, development of a six-year CIP shall occur prior to the annual municipal budgetary process.

### **C. Creation and Utilization Directives**

1. The City will develop a multi-year plan for ongoing capital improvements, update it annually, and make capital improvement investments in accordance with the plan so far as practicable.
2. Capital improvement projects which violate the principles and concepts of an adopted City plan or which duplicate other public and/or private services will not be constructed.
3. Capital improvement financing shall support facility and equipment repair, maintenance, improvement, and/or replacement and will also fund implementation of approved plans that foster economic and neighborhood development, maintenance, and redevelopment.

### **D. Project Analysis and Prioritization**

Upon receiving requests from various departments for capital improvement funding, the Big Rapids Planning Commission shall oversee a process of project prioritization utilizing the following review criteria:

1. Project will improve quality of life and/or quality of service of residents and users.
2. If deferred, absence of project would negatively impact residents and users.
3. Project will result in creation of permanent jobs and/or generate additional net revenue to the City.
4. Project is part of an approved replacement schedule.
5. Projects which reduce the cost of operations.
6. Project is part of a multi-year funding commitment.
7. Projects which will increase property values in a neighborhood, residential, or commercial district.
8. Project is part of, or complements, other ongoing projects.
9. Projects which recover City's cost in five years or less.
10. Projects impacting the greatest number of people.
11. Projects creating the least disruption and inconvenience to users and/or citizens.
12. Projects which are an element of an approved City plan.

## **E. Project Classification**

Having prioritized requested projects, the Planning Commission shall place each project in one of the following categories:

### **Priority 1: Essential**

Project cannot be postponed, as it is essential; partially completed; meets an emergency situation, or remedies a condition dangerous to public health, welfare, or safety; or the City is committed by contractual arrangement. Only essential projects should be so classified.

### **Priority 2: Desirable**

Project should be carried out within a few years to meet anticipated needs of a current program or for the replacement of unsatisfactory facilities. These include projects that are needed to maintain the department program at current level of performance, projects that would benefit the community, and projects whose validity of planning and validity of timing have been established.

### **Priority 3: Acceptable**

Project is needed for the proper expansion of a program or facility with the exact timing, waiting, until funds are available. These are projects that are adequately planned, but not absolutely required, and should be deferred to a subsequent year if budget reductions are necessary.

### **Priority 4: Deferrable**

Project is needed for an ideal operation but cannot yet be recommended for action. Can safely be deferred beyond the third year of the six-year projection.

### **Priority 5: Needs Further Study**

Project is desirable but not essential, can be safely postponed without detriment to preset services, rated lowest of those submitted, and/or needs further study before being recommended for funding.

## **II. Capital Improvements Program Approval**

While the Planning Commission will play an important role in developing a CIP, recommendations from the Planning Commission to the City Commission are advisory in nature. It is the sole responsibility of the City Commission to approve and adopt the CIP.

## **Motion**

**Motion was made by Paul Jackson, seconded by Tim Vogel to recommend approval to the City Commission of the 2018 Capital Improvements Programming Policy updates as presented.**

**Motion passed unanimously with Renato Cerdena, Paul Jackson, Chris Jane, Rory Ruddick and Tim Vogel in favor.**

## **Text Amendment to the Zoning Ordinance to permit Child Care Centers in the Residential/Professional (R/P) Zone**

Priebe reviewed the staff report where she outlined the following:

- State of Michigan definitions for child care organizations,
- Current allowances for day care centers within the Big Rapid Zoning Ordinance,
- Examples of other Principal Uses with Conditions,
- Examples of Other Conditional Uses with their conditions,
- Examples of Child Care Center Zoning from Other Communities, and
- Draft language for Child Care Centers in the R/P Zone.

In reference to the draft language for Child Care Centers in the R/P Zone, Cerdena asked about compatibility with the neighborhood and the environment and how those judgements would be made. He looked at the Master Plan's Focus Area #4 which included preservation of historic character as being important.

Priebe said that #'s 2 through 5 of the draft language came from another section of the Zoning Ordinance: R/3 Regulations of Buildings. Applicants would come to the Neighborhood Services Department for project evaluation. The conditions are subjective but provide guidance without being overly restrictive.

Vogel asked about regulations for signage. It will be addressed through the normal Sign Permit process.

To make sure audience members understood the proposed Text Amendment, Jane again stated that what is being considered is whether or not to allow child care centers in the R/P zone as a principle use with Conditions. The Commission will not focus on individual properties within the R/P zone at this time.

Priebe explained that the Zoning Ordinance definitions for child care facilities need to be updated per State regulations. They are attached and will also need a motion for approval to the City Commission. All reference to child care facilities in the Zoning Ordinance should also be changed to reflect the update.

## **Motion**

Motion was made by Rory Ruddick, seconded by Paul Jackson, to recommend to the City Commission, a text amendment to the Big Rapids Zoning Ordinance under the Residential Professional (R/P) / Zone, 3.3:2 Principle Uses that would add Licensed Child Care Centers as a Principal use subject to the conditions of Section 11.1:28. The Ordinance would read as follows:

**3.3:2           Principal Uses and Structures:**

**Licensed Child Care Centers, subject to the conditions of Section 11.1:28**

**11.1:28       Child Care Centers shall be permitted within the R-P Residential-Professional District with conditions. To ensure general compatibility with character and design in surrounding residential neighborhoods, such uses shall be subject to the following conditions:**

- (1) Drop-off Facilities – The proposed design shall include designated safe drop-off facilities.**
- (2) Pedestrian Circulation – The proposed design shall be designed and scaled to ensure safe and efficient pedestrian circulation over the entire site and shall provide appropriate connections to the neighborhood pedestrian circulation system.**
- (3) Exterior Finish Materials – The color and texture of the material shall be compatible with residential structures in the surrounding area.**
- (4) Massing – The proposed design shall show consideration of the context in which the building is to be placed with respect to the nearby visual environment. The proposed design shall show consideration of surrounding buildings with regards to the proportion, height, scale, and placement of structures on the site.**
- (5) Relation to the Street – Walls facing a public street shall include windows and architectural features customarily found on the front façade of a building in the area, such as awnings, corning work, edge detailing or decorative finish materials. Doorways shall be directly accessible from public sidewalks.**
- (6) Parking – Parking areas shall be located at the back or side of the proposed building. Off-street parking requirements for child care centers shall be: 1 for each staff member.**

Also, the motion is to include the following recommendation to the City Commission of a Text Change to Chapter 2 of the Big Rapids Zoning Ordinance: Definitions. Chapter 2.2:23 Day Care Definitions would read as follows:



## **2.2:23 Child Care Definitions:**

**Child Care Center** “Child care center” means a facility, other than a private residence, receiving 1 or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.

**Family Child Care Home** “Family child care home” means a private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

**Group Child Care Home** “Group child care home” means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

**Furthermore, all references throughout the Zoning Ordinance concerning Day Care Center, Family Day Care Center, and Group Day Care Center shall read: Child Care Center, Family Child Care Home, and Group Child Care Home, respectively.**

Commission discussion outside of the Motion concerning the R/P text change:

Jackson said we need to be consistent in the Zoning Ordinance. We are not looking at specific properties tonight. Gifford added that any proposed project would need to be addressed in the conditions set forth. He added that the Planning Commission has the letters that were received, and the City Commission will have them.

**Motion passed unanimously with Renato Cerdena, Paul Jackson, Chris Jane, Rory Ruddick and Tim Vogel in favor.**

Jackson wondered if there was an objective way to handle aesthetics. He suggested the use of using a Form Based Code. Gifford said that the idea of going to a Form Based Code is on the

agenda and will be a priority. It will eventually include design guidelines for new construction in the City. He mentioned the City has been sidetracked by the Hanchett and Depot properties.

An example that Ruddick used was the house on Third Avenue that burned. It was demolished and replaced. It fits into the neighborhood well. Jackson added that Grand Rapids codes are demanding. Detailed plans are required.

**Motion was made by Paul Jackson, seconded by Tim Vogel to close the Planning Commission Meeting.**

**There being no further business, Vice Chair Jane closed the Planning Commission meeting at 7:11 p.m. All were in favor.**

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary

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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Public Participation Plan  
DATE: 8 January 2019  
CC: File

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### **Rationale:**

The City is pursuing certification through the Michigan Economic Development Corporation's Redevelopment Ready Communities program. One element of this process, Best Practice 1.2.1, is that "the community has a public participation plan for engaging a diverse set of community stakeholders". Further, Best Practice 1.2.3 asks the City to "establish a consistent method of sharing the results of public outreach efforts".

### **Program/Initiative:**

Building off the MEDC's Redevelopment Ready Communities Best Practices guidance for Public Participation Plans, City staff developed the City of Big Rapids Public Participation Plan 2019. The Public Participation Plan has several sections:

- Introduction
- Goals
- State Regulations on Public Participation
- Key Stakeholders in the City of Big Rapids
- Communication Toolbox
- Opportunities for Public Participation
- Communicating Results
- Public Participation Evaluation
- Appendix A – Project-Specific Public Participation Plan Outline
- Appendix B – Community Event Satisfaction Survey
- Appendix C – Internal Public Participation Evaluation
- Appendix D – Social Media Moderation Guidelines

This draft document sets the City up to thoughtfully engage the community during planning, development, and decision-making processes, as well as to communicate outreach results back to the public.



City of Big Rapids  
**Public Participation Plan**  
2019



City of Big Rapids

**Public Participation Plan**

**City Commission**

Tom Hogenson - Mayor

Lynn Anderson

Jennifer Cochran

John Eppley

Lorraine James

**Planning Commission**

John Schmidt - Chair

Chris Jane - Vice Chair

Renato Cerdena

Paul Jackson

Rory Ruddick

Tim Vogel

Bill Yontz

Adopted XX Month 2019

## Introduction

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A public participation plan is essential for outlining how the public will be engaged throughout the planning and development process and other City events and projects. This plan allows for various means to share and receive information in ways that are adjusted in content and intensity according to the size and scope of the project at hand. Additionally, the Public Participation Plan is a tool for accountability and transparency, requiring the City to seek public input as well as record and share the results. This Plan also establishes regular methods for the City to utilize across departments to best engage the public as effectively as possible. The intent of this Plan is that it will be a living document, improved as needed, to establish a strong culture of public involvement in Big Rapids that will persist despite municipal turnover.

## Goals

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The City of Big Rapids strives to involve the entire community as key stakeholders in the future development of the City. The following goals are aspirational statements that the City hopes to achieve through utilization of the Public Participation Plan.

- The City of Big Rapids seeks representative involvement of all residents of the community.
- The City of Big Rapids engages citizens in a transparent manner, making information easy to access for all interested members of the community.
- The City of Big Rapids seeks creative ways to involve a diverse set of community stakeholders in decision making
- The City of Big Rapids provides educational materials and designs participation initiatives that will support and encourage effective participation.
- The City of Big Rapids utilizes effective and equitable avenues for distributing information and receiving comments.
- The City of Big Rapids uses comments and information received from interested members of the community to make decisions regarding planning, land use, and future development.
- The City of Big Rapids solicits public participation in each phase of planning processes.
- The City of Big Rapids tracks and analyzes the results of all public participation to the extent feasible and provides the public with a summary.
- The City of Big Rapids supports and encourages continuous improvement in the methods used to meet the public need for information and involvement.
- The City of Big Rapids maintains and develops staff expertise in all aspects of participation.
- The City of Big Rapids encourages developers to engage the community, seeking input from the community toward future development projects.





## State Regulations on Public Participation

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Along with the desire to include a diverse public in its planning processes, the City of Big Rapids relies on the local and state regulations listed below to guide participation activities. These regulations include provisions for the public review process, public participation, and public hearings:

- City of Big Rapids Charter
- City of Big Rapids Code of Ordinances
- Michigan Open Meetings Act (PA 267 of 1976, as amended)
- Michigan Planning Enabling Act (PA 33 of 2008, as amended)
- Michigan Zoning Enabling Act (PA 110 of 2006, as amended)
- Home Rule City Act (PA 279 of 1909, as amended)
- Brownfield Redevelopment Financing Act (PA 381 of 1996, as amended)
- Downtown Development Authority Act (PA 197 of 1975, as amended)
- Plant Rehabilitation and Industrial Development Districts Act (PA 198 of 1974, as amended)
- Recodified Tax Increment Financing Act (PA 57 of 2018, as amended)
- Other applicable local, state, and federal regulations



## Key Stakeholders in the City of Big Rapids

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A list of groups that are able to assist in and enhance the public participation process has been identified, including groups that are often not at the visioning table. During preparation for each public event, the list will be reviewed in order to make sure that the appropriate people and groups are involved. Since groups are constantly changing, this list serves as a reference to build upon for each event. Possible key stakeholder groups include, but are not limited to:

- City Commission
- City Boards and Commissions
- City Residents and Property Owners
- Big Rapids Property Owner's Association
- Big Rapids Public Schools
- Crossroads Charter Academy
- St. Mary's School and St. Peter's School
- Ferris State University
- Downtown Business Association
- Downtown Development Authority
- Mecosta County Development Corporation
- Mecosta County Area Chamber of Commerce
- Mecosta County Convention and Visitor's Bureau
- Mecosta County Emergency Management
- Spectrum Health Big Rapids Hospital
- Nursing homes and adult foster care homes
- Good Neighbors Association
- Neighboring municipalities
- West Michigan Regional Planning Commission
- Potential investors and developers
- Public employees
- Major local employers
- Civic and social organizations
- Students and student groups
- Religious groups
- Environmental groups
- Real estate professionals
- Relevant state agencies



Big Rapids has many active residents who strive to make their community better. However, the City is always trying to get more residents and property owners involved. The City will use various methods of communication to attempt to reach a variety of audiences.



## Communication Toolbox

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The City of Big Rapids has a tool box that includes “tried and true” methods as well as creative, new methods of communicating with the public. City staff work together to evaluate innovative new opportunities, test out technological solutions, and promote new media communication, with the goal of improving resident outreach.

The City will always attempt to use more than one tool or method, depending on the specific project or target audience. The following are some methods which may be used to reach the appropriate level of public participation for various City projects or events:

**Inform** – To provide information and assist public understanding. See also the City Information Distribution Policy.

- Website: [www.cityofbr.org](http://www.cityofbr.org) is a central host site for calendar of meetings, posting of agendas and minutes, and sometimes will contain pages or links for topics of major interest
- Newspaper: The Pioneer Newspaper is the primary City of Big Rapids’ newspaper and the Ferris State Torch is the University’s student newspaper.
- Manager’s Newsletter: The City Manager releases a weekly newsletter compiling news, projects, and statistics regarding City business. It is accessible via the City website.
- Printed Postings: Available for viewing at the City Hall on posting boards both inside and outside the building.
- Announcements: Announcements during meetings of the City Commission, Planning Commission, and other boards and commissions.
- Press Releases and Articles: At various times, the City will issue press releases and information for articles to various newspapers and TV and radio stations.
- Email or Postal Mail: Interested parties may make a request of the City Clerk for personal notification of meetings or topics for discussion as well as postal mailings to neighbors within 300 feet of new developments, according to statute.



**Consult** – To obtain public feedback.

- Social Media: The City currently uses Facebook to announce City news such as holiday hours, street maintenance, etc. and may also use Facebook to notify the community of meetings.
- Surveys: Utilizing online and paper surveys allows for the collection of large amounts of data and opinions from the public.
- Public Hearings: Public attendance at meetings is strongly encouraged and allows for an appropriate venue for public input.

**Involve** – To work directly with the public throughout the process.

- Open Houses: In order to facilitate two-way communication, the City will hold open house events for projects and initiatives as needed.
- Community Workshops: Issues that require community feedback can benefit from a noticed workshop.
- Charrettes: Design charrettes and information gathering sessions allow a larger group of people to participate in a community engagement activity related to a particular site.

**Collaborate** – To partner with public in each aspect of decision making.

- Advisory Committees: The City uses advisory committees for specialized aspects of our community to enhance collaboration between city staff and the public.
- Focus Groups: Bringing together stakeholders to discuss and brainstorm decision making options.

The City of Big Rapids is committed to implementing a variety of communication strategies, believing that the overall quality of plans and development of the community is improved with greater stakeholder involvement.

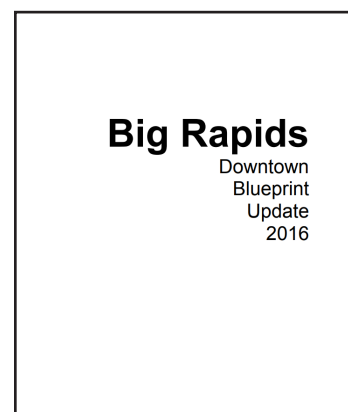
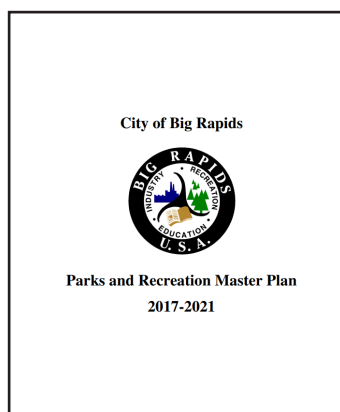
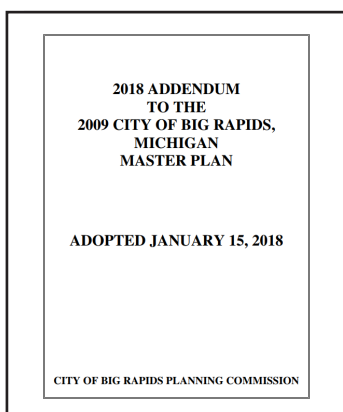
## Opportunities for Public Participation

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The City of Big Rapids engages in many different efforts where public participation is desired and vital to the process. The following is a list of examples of efforts that should include public participation:

- Master Plan Update
- Zoning Ordinance Update
- Downtown Development Plan
- Parks and Recreation Plan
- Policy Development/Decision-Making
- Major Development Project Review

For each project, the City will formulate a project-specific public participation plan, following the outline provided in Appendix A. This will allow the City to address each unique project specifically to identify participation goals and key stakeholders, select which tools apply in the situation, create a schedule, assign responsibilities, and engage the public with intention.



## Communicating Results

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The City of Big Rapids will publicly communicate results of community input, utilizing one or more of the “Inform” methods to relay results back to the public. The goal of reporting back to the public is to demonstrate that comments were heard and valued, that public input is desired, and that the City is committed to a transparent process.

Communicating the information gathered in public participation efforts may look different for each method and project. Efforts will be made to release results immediately following a public input session to publish how many people attended and solicit further participation for future meetings. Public input gathered at public meetings is documented in meeting minutes and will be available on the City website.

Results from public participation sessions related to specific plans will be communicated back to the public by including results in the final plan document. Results from one-on-one interviews or small focus groups may be kept confidential for the comfort of participants.

## Public Participation Evaluation

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Public participation, when properly executed, builds community consensus and strengthens sense of place. Creating a culture of collaborative visioning enriches democracy by allowing citizens to voice their ideas, not just their complaints. This plan is to be used and reviewed as a daily guide to best incorporate the public into decisions that affect their space.

A City official will be responsible for keeping records of participation efforts and will be responsible for compiling the data and presenting it to the City and public with suggestions for improvements. The results should identify strengths and weaknesses and give examples of how to adjust behaviors to better maximize outreach. The intent is to create a continuous review process that enables the City to successfully make changes through a consistently improving, dynamic process.

The City of Big Rapids understands that the Public Participation Plan, like all such planning documents, will need to be reviewed and updated on a routine basis. This plan will be updated as needed, at a minimum of every five (5) years. Updates to this plan will be drafted by staff, reviewed and recommended by the Planning Commission, and approved through the City Commission.



## **Appendix A - Project-Specific Public Participation Plan Outline**

### ***Project-Specific Public Participation Plan Outline***

1. Describe the project
2. Assess level of public concern or interest
3. Determine level of public concern or interest
4. Identify public participation goals
5. Identify stakeholders
6. Select tools
7. Create a schedule
8. Identify roles and responsibilities
9. Hold the public participation event/s
10. Compile and disseminate input and results
11. Evaluate effectiveness

## **Appendix B - Community Event Satisfaction Survey**

| <b><u>Community Event Satisfaction Survey</u></b>             |              |          |
|---|--------------|----------|
| 1) What event did you attend?                                 |              |          |
| 2) How did you hear about this event?                         |              |          |
| City Website  | City Posting | Facebook |
| The Pioneer   | Other: _____ |          |
| 3) Was this event held at a convenient location and time?     |              |          |
| Yes   | No.          |          |
| If no, what would be better?                                  |              |          |
| 4) Are you glad you came to this event?                       |              |          |
| Yes   | No.          |          |
| 5) What is one thing that could be done to improve the event? |              |          |
|   |              |          |

## Appendix C - Internal Public Participation Evaluation

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| <b><u>Internal Public Participation Evaluation</u></b>                                     |
|--|
| 1) What project was undertaken?  |
| 2) What was the date, time, and location of the event?                                     |
| 3) What types of public participation were utilized?                                       |
| <i>Inform</i> : website, newspaper, newsletter, postings, press releases, mailings, other: |
| <i>Consult</i> : social media, surveys, public hearings, other:                            |
| <i>Involve</i> : open house, community workshop, charrette, other:                         |
| <i>Collaborate</i> : advisory committee, focus group, other:                               |
| 4) How was the event advertised?   |
| 5) How many people attended? Was any group under-represented? Over-represented?            |
| 6) Who facilitated this event?   |
| 7) In what ways could the event have been improved?  |



## Appendix D

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### *Social Media Moderation Guidelines*

The City of Big Rapids' social media accounts are intended to serve as a way in which the community can connect and learn about City services, events, and activities. Comments and questions are encouraged, but remember that this is a moderated online discussion site. The City actively monitors this page and takes your input seriously.

You are fully responsible for everything that you submit in your comments, and all posted comments are in the public domain. Everyone is encouraged to be respectful and thoughtful in their participation.

The City of Big Rapids reserves the right to remove and/or block anyone who posts inappropriate material and to delete comments that are generally understood as any of the following:

- Promotion, fostering, or perpetuation of discrimination on the basis of gender, race, creed, color, national origin or ancestry, age, disability, lawful source of income, marital status, sexual orientation, gender identity, past or present membership in military service, or familial status;
- Profane, obscene, violent, or pornographic in language or content;
- Unlawful defamation or attack an individual or group;
- Direct or indirect threats against any person or organization;
- Support or opposition for a political campaign or a ballot measure;
- Advertisement for a personal or private business or endeavor;
- Promotion or endorsement of a specific financial or commercial entity;
- Defrauding or defamation of any financial, commercial, or non-governmental agency;
- Violation of any federal, state, or local law or encourage any illegal activity;
- Violation of any existing copyrights, trade secrets, or legal ownerships;
- Compromising the safety and/or security of the public or public systems; or
- Are unrelated to the original topic.

A posting on City of Big Rapids social media accounts constitutes acceptance of these terms.

Please note that the comments expressed on this site do not reflect the opinions and position of the City of Big Rapids or its officers and employees.

City of Big Rapids  
**Public Participation Plan**  
2019



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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Hanchett Charrette on Thursday 24 January 2019  
DATE: 8 January 2019  
CC: File

---

### **Rationale:**

The City is pursuing certification through the Michigan Economic Development Corporation's Redevelopment Ready Communities program. One element of this process, Best Practice 5, focuses on Redevelopment Ready Sites, requiring communities to select sites, gather information on the sites, establish a community vision for the sites, and market the sites for redevelopment.

### **Program/Initiative:**

The City of Big Rapids has hired SmithGroup as a planning consultant to assist in the process of meeting the requirements of RRC Best Practice 5.

One of the selected sites is the former location of Hanchett Manufacturing at 906 N State St, on the corner of N State St and W Pere Marquette St. SmithGroup will be hosting a one-day design charrette on 24 January 2019 to gather community feedback on the future of the site and to work on preliminary design concepts with community stakeholders.

The proposed schedule for the charrette is as follows:

- 11AM Site Tour
- 12AM Lunch meeting with key stakeholders (City staff and officials)
- 1-3PM Preliminary Concepts/Alternatives
- 3-5PM Public Invite
- 5-6PM Pin up/evaluation of alternatives with public and stakeholders

In order to spread the word and encourage the public to attend this event, promotional flyers and postcards were made and distributed. Flyers were placed in City Hall and downtown kiosks as well as shared with downtown business owners and other City agencies. Postcards were sent to a curated list of key stakeholders which included City officials, nearby business owners, residents located within 750 ft of the site, and others. The information is also being distributed online and via the newspaper.



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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: “Managing Risk” Training  
DATE: 8 January 2019  
CC: File

---

### **Rationale:**

It is important that Planning Commission members, City Commissioners, and other board members are fully prepared for their roles and responsibilities when it comes to planning and zoning decisions. To that end, periodic trainings are presented to keep Commissioners up-to-date on changing regulations and educated on issues they’ll face.

### **Program/Initiative:**

City staff has been working with the Michigan Association of Planning (MAP) to bring one of their training workshops to Big Rapids. The selected program is “Managing Risk”, a 2.5 hour program described below:

As more communities face litigation related to planning and zoning decisions, this is essential training for all elected officials, planning commissioners, and zoning board of appeals members. Topics include identifying a conflict of interest, applying discretionary standards during special land use reviews, reasonable expectations of a developer, and how your comprehensive plan can minimize risk.

The City of Big Rapids is planning to host this training in March, with MAP providing the program, including resources and an instructor. The City is in communication with Big Rapids Charter Township and Mecosta County regarding co-hosting the event. The event will also be open to other communities for a small fee if they are interested in sending their board members to attend.

***Planning Commission  
Regular Meeting***

Big Rapids City Hall  
226 N Michigan Avenue

March 20, 2019  
6:30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
  - a. 20 February 2019
5. Public Comment Not Related to Items on the Agenda
6. Public Hearing
  - a. Text amendment to the Zoning Ordinance to add Licensed Group Child Care Home as a principal use in the R-P District.
  - b. Text amendment to the Zoning Ordinance to add Licensed Child Care Center as a principal use in the Industrial District.
7. General Business
  - a. Annual Report of Planning
  - b. Zoning Discussion - New Economy-Type Uses
  - c. Hanchett Site Redevelopment Process Update
8. Unscheduled Business
9. Adjourn



**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
February 20, 2019**

**CALL TO ORDER** Acting Chair Vogel called the February 20, 2019, regular meeting of the Planning Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:** Paul Jackson, Rory Ruddick, Tim Vogel, Bill Yontz

**Excused:** Roberto Cerdena, Chris Jane, John Schmidt

**Absent:**

**Also Present:** Cindy Plautz, Neighborhood Services Coordinator  
Paula Priebe, Neighborhood Services Director

There were 2 audience members.

**APPROVAL OF MINUTES**

**Motion was made by Paul Jackson, seconded by Bill Yontz, to approve the minutes of the January 16, 2019, meeting of the Planning Commission as presented.**

**Motion passed with all in favor.**

**PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA**

None

**PUBLIC HEARINGS** None

**GENERAL BUSINESS**

**Hanchett Charette**

Priebe provided a follow-up to the Hanchett Charrette that was held January 24, 2019, to gather information and staff/community input on a vision for the Hanchett property. The SmithGroup consultants found it useful to develop a few designs for the property and will present them to the City in March. The Planning Commission thought this was a good experience.

## **Capital Improvement Program**

The annual 6-year CIP is prepared according to a process laid out by the Michigan Economic Development Corporation as required by the Michigan Planning Enabling Act. The process, which started in November of 2018, resulted in the draft presented. The recommendation made by the Planning Commission tonight will go to the City Commission at its first meeting in March.

Priebe explained the tables as follows:

- Table One includes the Treasurer's Fund Projections for years 2019 through 2025.
- Table Two lists all the proposed Projects by Department for years 2019 through 2025.
- Table Three lists proposed Projects for FY 2019/2020.
- Table Four lists proposed Projects for FY 2020/2021.
- Table Five lists proposed Projects for FY 2021/2022.
- Table Six lists proposed Projects for FY 2022/2023.
- Table Seven lists proposed Projects for FY 2023/2024.
- Table Eight lists proposed Projects for FY 2024/2025.

Priebe reviewed the narrative of the Plan and asked for the Commission's comments.

Jackson asked how the Treasurer came up with the numbers for Table One. He wondered if it reflects a diminishing population to which Priebe said she was not aware and will consult with the Treasurer and report back to him.

Vogel asked if the Treasurer's numbers reflect the proposed projects. Priebe said that dollars for some of the projects were deferred, some decreased, but none were cut. She said that rather than having a certain amount of money to start with, the Treasurer looked at the projects and said the City will work to find the money to support them.

Vogel asked about the new sewer to accommodate increased flow needed for the Spectra development on Water Tower Road. It is included in FY 2021/2022 on pages 14 and 20.

Vogel added that he enjoyed the process and it was helpful to have the Department Heads prioritize the projects beforehand and to then go over the list and ask any questions needed before inclusion in the CIP. He thanked Chris Jane for his involvement this year.

## **MOTION**

**Motion was made by Paul Jackson, seconded by Bill Yontz, to recommend approval of the 2019 -2025 Capital Improvement Plan to the City Commission.**

**Motion passed unanimously with Paul Jackson, Rory Ruddick, Tim Vogel and Bill Yontz in favor.**

## **Annual Report of Planning**

Priebe reported that the Planning Commission is required to report its actions to the City Commission on an annual basis. She provided a report and briefly went over the main topics such as the members, meeting dates, and what was discussed at each meeting. Although there were no trainings in 2018, she reported that Managing Risk and Form Based Code training will take place in 2019. A list of Zoning Ordinance Amendments that were made and Site Plan Reviews that were performed are presented in the report as well. The Zoning Board of Appeals did not meet in 2018.

The Master Plan identifies 7 goals for the Planning Commission to work on each year. They focus on the following topics: Population, Housing, Transportation, Downtown, Cooperation and Coordination, Public Facilities and Services, and Economic Development.

Priebe asked the Commission to identify some Master Plan goals they would like to see highlighted as priorities for the coming year.

Yontz was concerned with promoting the City and feels we do not do enough to draw people here. Priebe mentioned that there is a Public Participation Plan that involves the community in City matters but we have not had a designated Public Relations Officer. Over the past years, Jackson doesn't remember promotion of the City being discussed at either the Planning Commission or the Zoning Board of Appeals.

The following areas were discussed as being possible priorities:

- Promotion of the City to draw people to area,
- Continue to review/update the Zoning Ordinance,
- Explore Formed Base Code,
- Complete requirements to obtain Redevelopment Ready Community (RRC) status,
- Expand non-student rental housing options,
- Address the lack of child care, and
- Enhance Economic Development efforts.

Ruddick said that people need a reason to come to Big Rapids - perhaps a big festival. We have the Arts Festival but could use more to get people here. We have hotels available and highway advertising seems to be up to date. Yontz said we should advertise our trails and work at keeping young people in Big Rapids by offering things that interest them.

The Commission agreed that traditionally it is the Convention and Visitor's Bureau and Chamber of Commerce's responsibility to promote the area, but the City could do more.

Priebe asked if the Commission had priorities for the housing or downtown development goals and they agreed that housing for single family and professionals is lacking.

## **Zoning Discussions**

### Child Care

A staff report was provided outlining the 3 different types of Child Care permitted in the Zoning Ordinance. They are Family Child Care Home, Group Child Care Home, and Child Care Center. She also provided a map suggesting areas where each is currently permitted as a principal use by the Zoning Ordinance.

When the previous Planning Commission recommendation concerning Child Care in the R-P district went to the City Commission there was a lot of discussion. Lack of Child Care is a real problem in Big Rapids. The City Commission asked the following topics to be discussed by the Planning Commission and to come up with some preliminary decisions:

Should Child Care be allowed in the Industrial district?

Should Group Child Care Homes be expanded into the R-1 district?

What other changes could be made to the Zoning Ordinance to address the lack of child care?

The Commission could not see a reason for disallowing child care centers the Industrial district. On the other hand, the Commission has strived to maintain the R-1 District for single-family use. They are not sure if Child Care Centers would be a good fit in the R-1 district. Priebe suggested group child care homes in the R-P district as another alternative.

The Commission asked staff to prepare amendments for permitting child care centers in the Industrial District and group child care homes in the R-P district for the next meeting.

### New Economy

Priebe reviewed her report for the Commission saying that as part of complying with the RRC regulations, the City must explore allowing by right some “new economy” businesses. Examples include: filming studios, live/work spaces, indoor recreation venues, breweries/distilleries, IT offices, shared office space, heavy arts, and catering services. The focus would be on the types of businesses that are not expressly permitted in the Zoning Ordinance now.

Priebe asked the Commission to think about these types of businesses and see where they might fit within the Ordinance. Vogel said if people see it in the Ordinance they will know that the City has already explored these ideas and are willing to permit and promote the businesses.

## Recreational Marihuana

Priebe provided information about the Michigan Regulation and Taxation of Marihuana Act (MRTMA) which was approved by Big Rapids voters approximately 2-1. Information provided includes a memo from City Attorney Eric Williams, the Initiated Law, and information from the Michigan Municipal League.

In Williams' memo, he recommends the City Commission to direct City Staff to prepare zoning regulations for marihuana establishments and present them to the Planning Commission. The Planning Commission will then make a recommendation to the City Commission for their review. Priebe is asking the Planning Commission to think about the MRTMA, discuss it over the next few months and come up with a recommendation as to where different types of establishments would be permitted in our Zoning Districts. She is asking for their input giving staff direction for further research and analysis to facilitate their discussions and recommendation.

There has been one meeting between the City Commission and other local governments to talk about the decision to "opt in". Vogel thought it would be a good idea for the City Commission to meet with other local governments again to discuss and gather a consensus and hopefully come to a united decision. If a decision is made to opt out, a community can always reverse it and opt in, but it is harder to opt in and reverse to opt out once already in place. The City could always opt out now to bide more time.

Priebe said the conversation needs to start now and until a decision is made to opt out, the City is considered as "in". The decision falls on the Planning Commission as to where businesses will be permitted to operate and the parameters under which they will be allowed.

Yontz thought it would be a good idea to contact other communities our size and see what they are thinking and if they have opted in, what conditions must be met for operation. Priebe will look into this.

It was noted that Mt. Pleasant has opted in to allow medical marihuana facilities and will cap the number of businesses allowed to operate - a lottery system was used to choose from the many applicants.

Vogel stated it is important to do the work ahead of time to prepare the ordinance before opting in. He suggested looking at the section of the Zoning Ordinance that regulates Adult Entertainment. The City spent a lot of time on this and seems like it would be similar for allowing marihuana related establishments. It could serve as a template.

Vogel asked about medical verses recreational marihuana. This law deals with recreational marihuana which is more permissive. If recreational is allowed, marihuana can be purchased at



the same establishment for any use including medical and there is no reason to also get into the medical side of the issue.

LARA has up to December 6, 2019 to make rules for obtaining a license. If not established by then, the City would decide on licensing for the course of one year.

### **Unscheduled Business**

The upcoming training about Managing Risk for Planning and Zoning Decisions has been scheduled for April 3, 2019, from 5:00 to 8:00 p.m. Priebe asked the Commissioners to let her know if they will be attending.

A small task force for review of the Depot property is being formed. It will consist of two individuals from each of the following groups: Parks and Recreation Board, City Commission, Planning Commission, Staff. Yontz and Jackson volunteered to serve on this task force. This group will narrow the public vision for the property from the public open house in 2018. That vision will be given to the SmithGroup to come up with new plans for the site.

**Motion was made by Bill Yontz, seconded by Paul Jackson to adjourn the Planning Commission Meeting.**

**There being no further business, Acting Chair Vogel adjourned the Planning Commission meeting at 7:40 p.m. All were in favor.**

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary

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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Zoning Ordinance Amendments for Child Care  
DATE: 12 March 2019

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### **Introduction**

After Planning Commission recommended a Zoning Ordinance amendment to allow Child Care Centers as a Principal Use in the R-P District, the matter came to the City Commission. Several residents and child care experts came to the City Commission meeting to express their support for the rezoning and to encourage the City to do more to help expand child care in the community. The City Commission asked staff to work with the Planning Commission on this issue.

At the February 2019 meeting, the Planning Commission decided to move forward with two amendments to the Zoning Ordinance related to child care:

1. To permit Group Child Care Homes in the R-P District as a principal use
2. To permit Child Care Centers in the Industrial District as a principal use

### **Child Care and Zoning**

Three types of child care are differentiated by the State and permitted by the Zoning Ordinance:

- Family Child Care Home - A private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.
- Group Child Care Home – A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.
- Child Care Center - A facility, other than a private residence, receiving 1 or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.

The following chart shows which types of child care are currently permitted, as well as the proposed amendments, in which zoning districts:

| City of Big Rapids Zoning Ordinance   |                        |                       |                   |
|---------------------------------------|------------------------|-----------------------|-------------------|
| Child Care as a Principal Use         |                        |                       |                   |
| District                              | Family Child Care Home | Group Child Care Home | Child Care Center |
| R-P                                   | X                      | P                     | X                 |
| R-1                                   | X                      |                       |                   |
| R-2                                   | X                      | X                     | X                 |
| R-3                                   | X                      | X                     | X                 |
| RR                                    | X                      | X                     | X                 |
| C-1                                   |                        |                       |                   |
| C-2                                   |                        |                       | X                 |
| C-3                                   |                        |                       | X                 |
| I                                     |                        |                       | P                 |
| X is permitted as of February 1, 2019 |                        |                       |                   |
| P is proposed amendments              |                        |                       |                   |

See the Child Care Zoning Map for geographic representation of the above table.

### **Proposed Amendments**

- A text amendment to the Big Rapids Zoning Ordinance under the Residential Professional (R/P) District, 3.3:2 Principle Uses, that would add Licensed Group Child Care Home as a Principal use.
- A text amendment to the Big Rapids Zoning Ordinance under the Industrial (I) District, 3.12:2 Principle Uses, that would add Licensed Child Care Centers as a Principal use.

### **Standards for Zoning Amendment Review**

Section 14.2:4 in the Zoning Ordinance:

The Planning Commission and City Commission shall consider the request for an amendment to the Zoning Ordinance in accordance with the following standards:

- (1) The use requested shall be consistent with and promote the intent and purpose of this ordinance.
- (2) The proposed use will ensure that the land use or activity authorized shall be compatible with adjacent land uses, the natural environment, and the capabilities of public services affected by the proposed land use.
- (3) The land use sought is consistent with the public health, safety, and welfare of the City of Big Rapids.
- (4) The proposed use is consistent with the City Master Plan or a determination that the plan is not applicable due to a mistake in the plan, changes in relevant conditions or changes in relevant plan policies.

Planning Commissioners should consider the proposed amendments and whether they meet the standards laid out above. The standards should guide decision making regarding the proposed amendments.

### **Action**

Staff recommends the Planning Commission recommend the Zoning Ordinance Amendments to the City Commission for adoption.

# City of Big Rapids

## Child Care Zoning Map

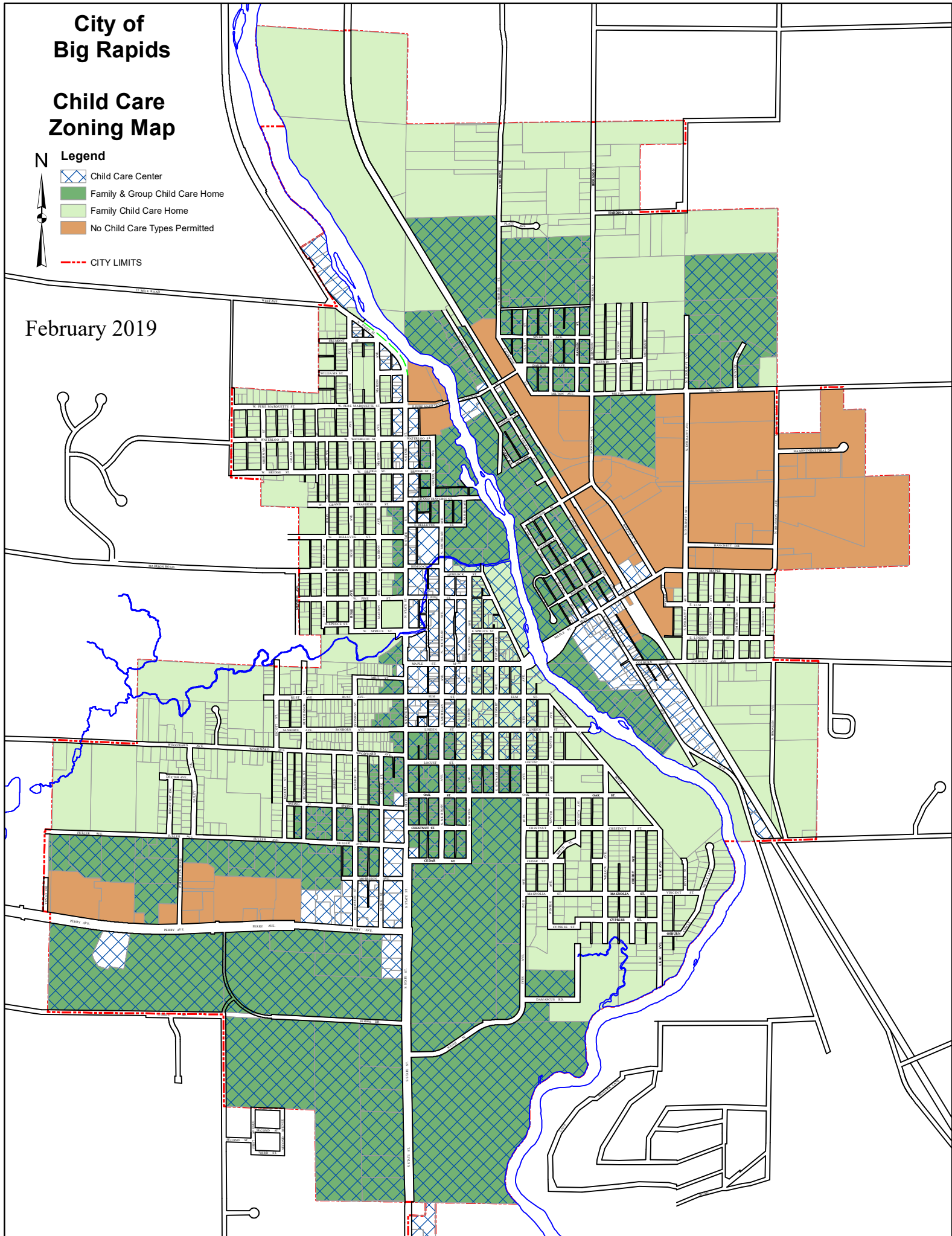
N

### Legend

- Child Care Center
- Family & Group Child Care Home
- Family Child Care Home
- No Child Care Types Permitted

--- CITY LIMITS

February 2019



# City of Big Rapids

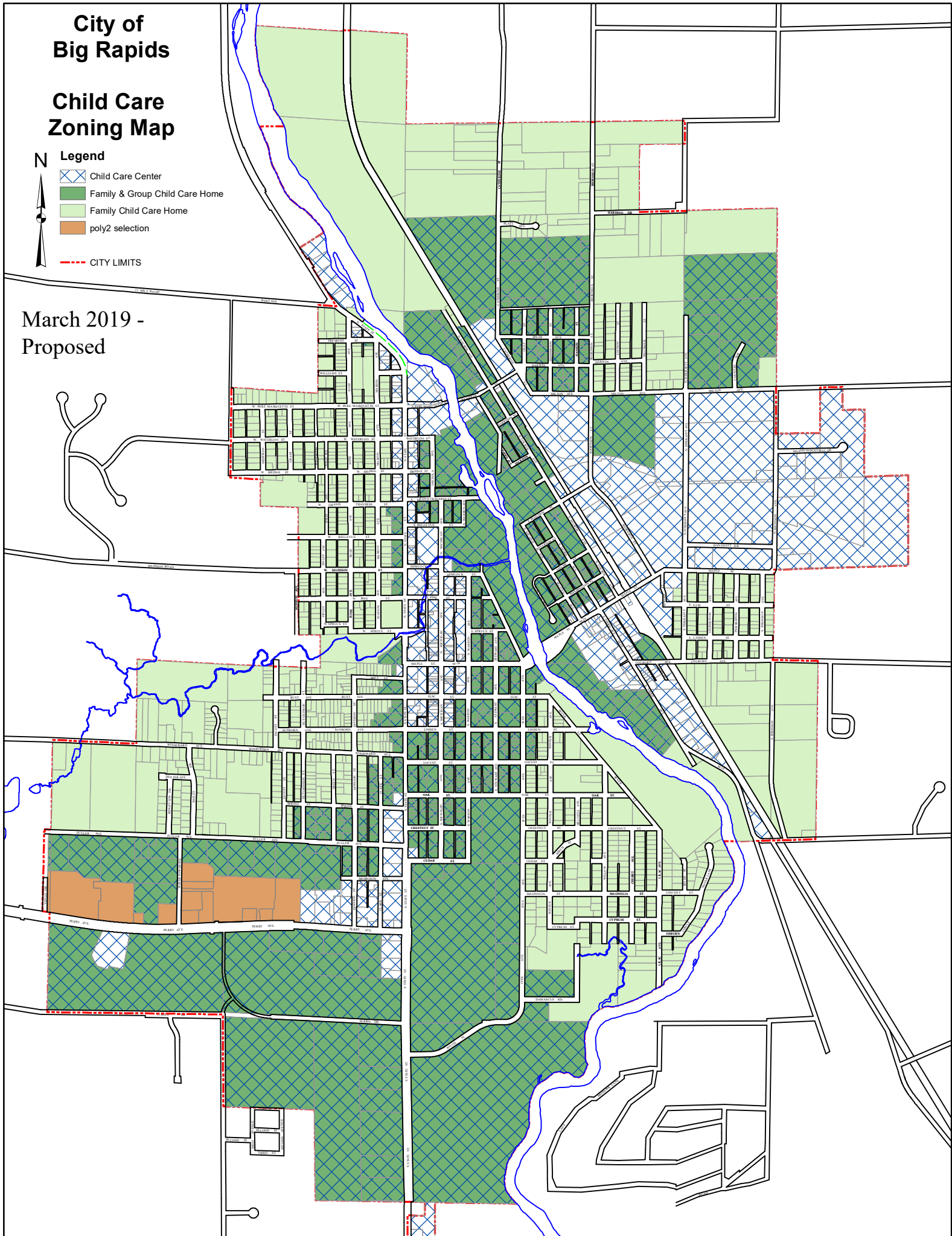
## Child Care Zoning Map

N

### Legend

- Child Care Center
- Family & Group Child Care Home
- Family Child Care Home
- poly2 selection
- CITY LIMITS

March 2019 -  
Proposed





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## STAFF REPORT TO THE CITY COMMISSION

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TO: City Commission  
FROM: Planning Commission and Paula Priebe, Neighborhood Services Director  
SUBJECT: Annual Report of Planning  
DATE: 12 March 2019

### **DRAFT for Planning Commission**

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#### **Introduction**

The City of Big Rapids Planning Commission analyzes land use policies and offers recommendations on such matters as conditional use permits, re-zonings, zoning ordinance text amendments, and road closures to the City Commission. The Planning Commission also reviews Site Plans for development throughout the City. These actions help to preserve the long-term viability of the Big Rapids.

The Members of the Planning Commission put in many hours of diligent work over 2018 to ensure a strong, thriving Big Rapids. Staff thanks them for their service to the community.

#### **Purpose of this Report**

A Planning Commission Annual Report is prepared for several reasons:

1. It is called for in the Michigan Planning Enabling Act:  
“A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.”
2. It increases information sharing between staff, the Planning Commission, and the City Commission.
3. It allows for anticipation of upcoming issues and priorities, for preparation and budgeting, if necessary.
4. It is an opportunity to thank the Commission members for their time and work over the past year, and to recognize the accomplishments of the year.

The City of Big Rapids broadens the scope to an Annual Report of Planning and Zoning; including actions of the Zoning Board of Appeals and other relevant actions undertaken over the course of the year.

#### **Planning Commission**

The Planning Commission is a board appointed by the City Commission to assist in the administration of the Zoning Ordinance. The duties of the Planning Commission include development and administration of the Zoning Ordinance, consideration of text or map amendments to the Ordinance, requests for conditional use permits, and review of site plans.



## **Membership**

| <u>Name:</u>            | <u>Term Expiration</u> |
|-------------------------|------------------------|
| John Schmidt (Chair)    | 2019                   |
| Chris Jane (Vice Chair) | 2020                   |
| Renato Cerdena          | 2020                   |
| Paul Jackson            | 2019                   |
| Rory Ruddick            | 2021                   |
| Tim Vogel               | 2020                   |
| Bill Yontz              | 2019                   |

## **Meetings**

The Planning Commission met 11 times in 2018. This meets the MPEA requirements of at least four meetings annually. The normal meeting time was the third Wednesday of each month at 6:30 PM. The Planning Commission meets in the Commission Room at the Big Rapids City Hall. A summary of the Planning Commission meetings of 2018 follows:

### January 17, 2018

- Public Hearing: Map Amendment to rezone 830 Water Tower Rd from C-1 to R-3
- Public Hearing: 2018 Addendum to the 2009 City of Big Rapids Master Plan
- Election of Chair and Vice Chair
- Capital Improvements Program (CIP) Committee

### February 21, 2018

- Public Hearing: Conditional Use Permit and Site Plan Review to Construct 120 Residential Apartment Units at 830 Water Tower Road (Spectra Big Rapids LLC)
- Public Hearing for Recommendation on the 2018-2024 Capital Improvements Plan
- End of Year Report

### March 21, 2018

- Public Hearing: Recommendation on Text Amendment to Section 14.2 (District Changes and Ordinance Amendments) of the Big Rapids Zoning Ordinance
- Election of Chair and Vice Chair

### April 18, 2018

- Public Hearing: Recommendation on Map Amendment to zone Parcel #54-17-11-100-003 (1.756 acres) and Parcel #54-17-11-200-026 (0.421 acres) from Railroad Right-of-Way to Industrial
- Discussion of City purchase of Clay Cliffs

### May 16, 2018

- Discussion of Form Based Codes and hiring SmithGroupJJR as a Planning and Zoning Consultant
- Discussion of the Hanchett Property

#### June 20, 2018

- Public Hearing: Recommendation on Map Amendment to rezone property at Parcel #54-17-11-193-004 (602 N Fourth Ave) and the South 15' of Parcel #54-17-11-193-005 (614 N Fourth Ave) from Industrial to R-3.

#### July 2018 – No Meeting

#### August 15, 2018

- Discussion of the new Big Rapids Guide to Development document
- Discussion of rezoning the property at 906 N State St, formerly Hanchett Manufacturing

#### September 19, 2018

- Update on the advertisement of the Neighborhood Services Director position after the resignation of the former Director.
- Strategic Planning sessions rescheduled to January 2019
- Update on the Hanchett Property after the City Commission approved new covenants for the property to remove deed restrictions
- Discussion of the Depot property, after the September 6 Tour and Public Input session
- Home Occupation Sign Regulations discussion
- Discussion of permitting Day Care Centers in the R/P District

#### October 17, 2018

- Public Hearing: Recommendation on Conditional Use Permit Application to Allow BR Lunch Box to Operate at 105 W. Bellevue St
- Public Hearing: Recommendation on a Text Amendment to the Zoning Ordinance that would Permit Day Care Centers in the R/P District as a Conditional Use
- Decision to move the November meeting due to the Thanksgiving holiday

#### November 28, 2018

- Public Hearing: Recommendation on Site Plan Review for Additional Parking at 931 Fuller
- Ongoing discussion of Day Care Centers in the R/P District

#### December 20, 2018

- Public Hearing: Site Plan Review for Construction of a Club House for Parklane Apartments at 521 Fuller Ave (Campus Village Communities)
- Public Hearing: Site Plan Review for the Construction of a Rental Office at 217 Morrison Ave (Campus Village Communities)
- Recommendation on the Capital Improvements Program Policy
- Ongoing discussion of Day Care Centers in the R/P District

## **Trainings**

To ensure the Planning Commission is prepared and able to conduct their business well, periodic trainings are held. No special trainings were held in 2018. The Commission is planning for trainings in 2019 to be conducted around the topics of 1) Managing Risk and 2) Form Based Code.

## **Joint Meetings**

One joint meeting was held in 2018 between the Planning Commission and the City Commission. It was on October 22, 2018 at 5:30 PM. The agenda focused on discussion of two redevelopment properties in the City: the Railroad Depot and the Hanchett site. In addition to the Planning Commission and the City Commission, two members of the City's planning consulting firm, SmithGroup, were present to speak about the properties.

## **Zoning Board of Appeals**

The Zoning Board of Appeals (ZBA) is a board appointed by the City Commission. The ZBA has the authority to hear appeals of administrative decisions, to interpret the Zoning Ordinance text and map, and to decide on variance requests.

## **Membership**

| <u>Name:</u>              | <u>Term Expiration</u> |
|---------------------------|------------------------|
| Paul Jackson (Chair)      | 2021                   |
| Jane Johansen             | 2020                   |
| Robert King               | 2021                   |
| Paul Long                 | 2020                   |
| Mark Walton               | 2020                   |
| Dorothy Burch (Alternate) | 2019                   |
| Joshua Foor (Alternate)   | 2019                   |

## **Meetings**

The Zoning Board of Appeals met zero times in 2018. The normal meeting time is the fourth Thursday of each month at 7:00 PM. The ZBA meets in the Commission Room at the Big Rapids City Hall.

## **Planning and Zoning Decisions**

### **Zoning Ordinance Amendments**

The following amendments were made to the Zoning Ordinance:

- 714-02-18     02/05/18  
Ordinance to Rezone 830 Water Tower Road from C-1 to R-3 and amend the Zoning Map.
- 719-04-18     04/16/18  
Ordinance amending Sections 14.2:2 and 14.2:3(1) of the Big Rapids Zoning Ordinance to eliminate the need for the City Commission to receive and refer all applications for a zoning text or map amendment to the Planning Commission.
- 722-05-18     05/07/18  
Ordinance Zoning Parcel Numbers 54-17-11-100-003 and 54-17-11-200-026 Industrial.
- 724-07-18     07/02/18  
Ordinance rezoning 602 N. Fourth Ave. and 614 N. Fourth Ave. from Industrial to R-3.

### **Site Plan Reviews**

The Planning Commission conducts Site Plan reviews for new projects which are taking place in Big Rapids. In 2018, the Planning Commission held 4 Site Plan reviews.

- Site Plan Review to Construct 120 Residential Apartment Units at 830 Water Tower Road (Spectra Big Rapids LLC) held on February 21, 2018.
- Site Plan Review for Additional Parking at 931 Fuller held on November 28, 2018.
- Site Plan Review for Construction of a Club House for Parklane Apartments at 521 Fuller Ave (Campus Village Communities) held on December 20, 2018.
- Site Plan Review for the Construction of a Rental Office at 217 Morrison Ave (Campus Village Communities) held on December 20, 2018.

### **Variances**

No variances were discussed or granted during 2018.

## **Master Plan Review**

The City of Big Rapids Master Plan was reviewed by City staff and the Planning Commission. The Action Plan in the 2018 Addendum to the 2009 Master Plan identifies actions for the 7 goals. Status of work on the goals is listed below:

### **Population:**

The City of Big Rapids will work towards creating a steady increase in population by providing a range of opportunities within the City that are important to attracting a diverse population that includes family households, senior citizens, college students, and others.

1. Expand housing opportunities for all types of households. Progress: *Ongoing*
2. Maintain and improve residential areas by enforcing regulations and working with homeowners. Progress: *Ongoing*
3. Promote the City's strengths to attract residents and businesses through advertising. Progress: *Not started*
4. Work with the U.S. Census Bureau to ensure a complete county of residents. Progress: *Ongoing*
5. Maintain a high level of public services. Progress: *Ongoing*
6. Work with local schools to promote the area's schools to potential families. Progress: *Ongoing*
7. Work with surrounding townships to promote area-wide growth and maintain good working relationships. Progress: *Ongoing*

### **Housing:**

The City of Big Rapids will work towards creating a balanced range of housing opportunities that includes well-maintained single-family homes, multiple family units, and other types of housing.

1. Expand housing opportunities for all types of households, utilizing the Master Plan and Zoning Ordinance to encourage quality development and redevelopment. Progress: *Ongoing*
2. Identify capital improvements needed to expand housing opportunities and seek funding for those projects. Progress: *Ongoing*
3. Develop improvements need to expand housing opportunities and seek funding for those improvements. Progress: *Ongoing*
4. Ensure that inadequate maintenance of housing does not detract from neighborhoods by enforcing regulations and responding to concerns. Progress: *Ongoing*
5. Explore the possibility of creating a land bank. Progress: *Not started*
6. Promote small housing developments and encourage development of smaller, more affordable and sustainable housing. Progress: *Ongoing*
7. Determine the feasibility of implementing a variety of incentive programs to encourage property owners to invest in City neighborhoods. Progress: *Ongoing*
8. Encourage sustainable homeownership by providing information to potential and existing homeowners. Progress: *Ongoing*
9. Evaluate the status of the Actions and make necessary adjustments. Progress: *Ongoing*

## **Transportation**

The City of Big Rapids will work towards improving the City's streets through the use of asset management and will strive to reduce the impacts of traffic through the use of asset management and improvements to the transportation network.

1. Implement a transportation asset management program. Progress: *Ongoing*
2. Coordinate transportation improvements with other improvements to minimize repeating maintenance actions and closure of streets. Progress: *Ongoing*
3. Develop and Access Management Plan for the City's and Township's commercial corridors (especially State Street and Perry Avenue). Progress: *Not started*
4. Promote bicycling on trails and bicycle lanes. Progress: *Ongoing*
5. Work with the City's Dial-a-Ride Transit System (DART) to provide an adequate level of public transit. Progress: *Ongoing*
6. Determine the feasibility of an additional bridge across the Muskegon River on the City's south side. Progress: *Ongoing*
7. Develop a Capital Improvements Schedule that will identify when to pave all remaining gravel roads within the City and provide sidewalks where beneficial. Progress: *Ongoing*
8. Evaluate the status of the Actions and make necessary adjustments. Progress: *Ongoing*

## **Downtown**

The City of Big Rapids will work towards improving the vitality of the downtown by maintaining and improving public facilities and encouraging merchants, property-owners, and residents to maintain and improve their facilities.

1. Work with the Michigan Economic Development Corporation (MEDC) to maintain and improve the City's Downtown area by participating in programs to improve the Downtown's physical and economic well-being. Progress: *Ongoing*
2. Work with property owners to encourage an improved transition between the downtown and surrounding land uses. Develop a detailed action plan to address this issue. Progress: *Ongoing*
3. Work with downtown business owners to maintain an up-to-date list of issues and to identify the best way to address issues related to infrastructure, streetscape, and vacancies. Progress: *Ongoing*
4. Work with downtown business owners to promote downtown activities, such as the farmer's market, to attract shoppers. Progress: *Ongoing*
5. Work to maintain public facilities in the downtown area to ensure that users of these services frequently visit the business area. Progress: *Ongoing*
6. Evaluate the status of the Actions and make necessary adjustments. Progress: *Ongoing*

### **Cooperation and Coordination**

The City of Big Rapids will strive to work closer with Ferris State University, Big Rapids Township, Green Township, Mecosta County, Big Rapids Public Schools, the State of Michigan, the Federal Government, and others to seek efficient and effective methods to provide public services and up-to-date facilities.

1. Continue to provide water and sewer services to residents and businesses and work with the surrounding townships of Big Rapids and Green to provide an appropriate level of water and sewer capacity to encourage growth in the area. Progress: *Ongoing*
2. Coordinate and host an area Planning Commission meeting and training, inviting the planning bodies of the two townships and Mecosta County. Progress: *Not started*
3. Work with Big Rapids and Green Townships, as well as others, to provide efficient and effective fire and police protection to the area. Progress: *Ongoing*
4. Work with the surrounding townships, Big Rapids Public Schools, Mecosta County, and the State of Michigan to provide an appropriate level of recreational activities for the area's residents by considering the development of a joint recreation plan. Progress: *Not started*
5. Evaluate the status of the Actions and make necessary adjustments. Progress: *Ongoing*

### **Public Facilities and Services**

The City of Big Rapids will strive to maintain an appropriate level of public facilities and services by improving facilities, planning for the future needs of the community, seeking funding from a variety of sources, and involving the community in the decision-making and budgeting processes.

1. Maintain an up-to-date Capital Improvements Program. Progress: *Ongoing*
2. Survey residents every three to five years to determine their satisfaction related to public facilities and services. Progress: *Ongoing*
3. Strive to seek outside funding resources to assist in funding public projects and programs. Progress: *Ongoing*
4. Ensure that all public facilities are planned, designed, and constructed to be sustainable. Progress: *Ongoing*
5. Maintain an up-to-date recreation plan. Progress: *Complete*
6. Work with Big Rapids Public Schools, charter/private schools, and the Mecosta-Osceola Intermediate School District to identify future facilities' needs. Progress: *Not started*
7. Evaluate the status of the Actions and make necessary adjustments. Progress: *Ongoing*

## **Economic Development**

The City of Big Rapids will promote an appropriate amount of land and resources to manufacturing, commercial, and other land use categories that provides opportunities for businesses to expand or locate in Big Rapids.

1. Ensure the City has adequate infrastructure in place to meet the needs of existing and new businesses by maintaining an up-to-date Capital Improvements Program. Progress: *Ongoing*
2. Promote jobs in Big Rapids related to programs offered at Ferris State University by determining the feasibility of creating a business incubator centered on skills provided at the University. Progress: *Not started*
3. Ensure the City's industrial park and industrial areas address the needs of existing and potential businesses. Progress: *Ongoing*
4. Work with Mecosta County Development Corporation (MCDC) to help existing businesses expand and to help attract new businesses to the City. Progress: *Ongoing*
5. Work with the Michigan Economic Development Corporation (MEDC) to promote the area to existing employers and potential employers. Progress: *Ongoing*
6. Work with MCDC, MEDC, and others such as the Mecosta County Area Chamber of Commerce and the Michigan State University Extension to diversify the area's economy by promoting the area for value-added agriculture, renewable energy, health sciences, tourism, education, and other employment opportunities. Progress: *Ongoing*
7. Work with the West Michigan Regional Planning Commission to attract funding from the U.S. Economic Development Administration (EDA) and other federal and state agencies. Progress: *Ongoing*
8. Work closely with the Downtown Business Association, the Chamber of Commerce, and business groups to promote commercial and service growth in Big Rapids. Progress: *Ongoing*
9. Work closely with the Convention and Visitor's Bureau to promote Big Rapids as a destination for visitors. Progress: *Ongoing*
10. Continue to improve the downtown and promote it as a destination for visitors and a viable shopping option for residents by following the recommendations of the 2006 "Big Rapids Development Blueprint" and updating the document and process when actions are completed. Progress: *Completed*
11. Evaluate the status of the Actions and make necessary adjustments. Progress: *Ongoing*

## **Master Plan Priorities**

Some priorities for 2019 and 2020 identified by the Planning Commission include:

- Promoting the City through advertising.
- Working with FSU to explore creating a business incubator.
- Reviewing the Zoning Ordinance to consider updating it with Form Based Code.
- Expanding non-student rental housing options.
- Addressing the need for more child care facilities in the community.
- Achieving MEDC Redevelopment Ready Community certification.



## **Other Notable Planning Actions or Topics of Discussion**

### **Redevelopment Ready Communities**

The City is continuing to pursue Redevelopment Ready Community certification through the Michigan Economic Development Corporation. This has been an ongoing effort requiring substantial work by the Planning Commission. A few of the key RRC actions accomplished during 2018 were:

- Adoption of the 2018 Addendum to the 2009 City Master Plan
- Creating a Big Rapids Guide to Development document
- Updating the Interest Indicator for the City's Boards and Commissions

Planning Commission and City staff have set a goal to achieve certification by the end of 2019.

### **Form Based Code**

The Planning Commission has been engaged in educational efforts to learn about Form Based Codes. As these efforts and discussions of the merits of this type of approach to Zoning continue, the Commission is considering a Form Based Code-based update to the Zoning Ordinance in the future.

### **West Michigan Regional Planning Commission**

The City is a member of the West Michigan Regional Planning Commission (WMRPC). Three City representatives sit on the Commission, and two on the Comprehensive Economic Development Strategy (CEDS) committee. These groups consist of planning and economic development professionals from an eight-county region. The mission of WMRPC is to assist in planning efforts in community and economic development, provide a regional forum for sharing information and ideas, and promote cooperative solutions to regional issues.

The WMRPC is the designated agency under the U.S. Economic Development Administration (EDA) the prepares and submits the CEDS report, making local community projects eligible to receive EDA grant funding.

### **Action**

No action is required. This is an informative session only.

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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Zoning for New Economy-Type Businesses  
DATE: 13 March 2019

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### **Introduction**

The City of Big Rapids is working toward certification through the MEDC Redevelopment Ready Communities program. We are working down a checklist to accomplish the necessary items to achieve certification. One of the recommended actions in the Big Rapids Report of Findings, is the following:

“Consider adding zoning provisions to allow new economy-type uses, including: film/recording studios, live-work spaces, indoor recreation areas, breweries, distilleries, and/or arts and crafts studios.”

Another list of New Economy-Type Businesses, from an MEDC RRC Best Practices handbook states the expectation that “commercial and industrial districts allow for related compatible uses that serve new economy-type businesses” and further provides examples of “new economy-type businesses” as “mixture of commerce, sales, trade, medical research, film industry, indoor recreation, IT or office, heavy arts, breweries, distilleries, alternative energy, catering services, arts and crafts studios, etc.”.

### **Recommendation**

Based on conversation from the February Planning Commission meeting, staff prepared the following recommended amendments to the Zoning Ordinance:

#### **Arts and Crafts Studios**

**Definition A:** A building used for the production, display, and sale of works of arts and crafts.

**Definition B:** An establishment engaged in the creation of fine art or craft objects, the creation of which typically requires special dexterity and artistic skill. Such an establishment must be open to the public, either by appointment and/or on a periodic open studio basis. In addition, Arts and Crafts Studios may engage in incidental sales of goods made on site. Examples of occupations, vocations, or trades typically engaged in this work include but are not limited to: oil painters, sculptors, woodworkers; potters/ceramicists; stained-glassmakers; glass blowers; textile artists and weavers; jewelry makers; painters; fine art printmakers; photographers/filmmakers; leather workers; metal workers; musical instrument makers; model makers; papermakers; and installation artists.

**Permitted:** C-2, C-3, and Industrial Districts

#### **Catering Services**

**Definition:** Facility for preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

**Permitted:** C-2, C-3, and Industrial Districts

### **Film and Recording Studios**

Definition: Facility to produce films containing offices, computer data centers, stages, film editing, green rooms, mill, paint shop, commissary, studio residences, and other uses that are incidental to the film studio.

Permitted: Industrial District

### **Indoor Recreation Areas**

Definition A: A public or private facility for athletic activities such as ice arenas, indoor sports arenas, community recreation centers, indoor swimming pools, and similar facilities.

Definition B: An establishment which provides indoor exercise and/or indoor court and field sports facilities, and which may include spectator seating in conjunction with the sports facilities such as skating rinks, swimming pools, indoor golf facilities, pool or billiard halls, and bowling alleys. Auditoriums and stadiums are not included.

Permitted: C-1, C-3, and Industrial Districts

### **Microbreweries and Brewpubs, Craft Distilleries, and Small Wineries**

Definition: Microbreweries are breweries that produce less than 20,000 barrels of ale/beer per year for on-site consumption, take-out and distribution to wholesalers and/or restaurants, taverns, and retail stores, and is open to the general public for sales and tours. Brewpubs are licensed facilities that manufacture and sell at that licensed premises not more than 2,000 barrels of beer/ale per year for consumption on that premises only. Craft Distilleries are licensed facilities that manufacture and sell at that licensed premises spirits pursuant and subject to the requirements for a Michigan Small Distiller License. Small Wineries are licensed facilities that manufacture and sell at that licensed premises wine pursuant and subject to the requirements established by the State of Michigan for a small wine maker.

Permitted: C-3 and Industrial Districts

### **Scientific, Engineering, and Medical Research and Development Laboratories**

Definition: Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial, or scientific products or commodities for sale, but excludes uses that may be objectionable as determined by the Zoning Administrator, by reason of production of offensive odor, dust, noise, vibration, or storage of or risk associated with hazardous materials. Uses include biotechnology firms, metallurgy, optical, pharmaceutical and X-ray research, data processing, and non-toxic computer component manufacturers.

Permitted: Industrial District

### **Action**

Make decisions about which uses to allow and in which districts, to give staff direction to prepare amendments the Zoning Ordinance, which will be brought at the April meeting.

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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Hanchett Site Redevelopment Process - Update  
DATE: 13 March 2019

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### **Introduction**

The City of Big Rapids hosted a design charrette for the Hanchett Property on 24 January 2019. The charrette was led by staff from the SmithGroup, a planning consultant firm the City has hired to assist with this process. SmithGroup provided their feedback on implementation process recommendation and site plan alternatives for the City to review.

### **Alternatives**

See the attached presentation provided by SmithGroup.

### **Action**

Please review the attached presentation and be prepared to let staff know if you have comments or questions.

No formal action is necessary at this time.



# HANCHETT SITE REDEVELOPMENT

RRC RECOMMENDATIONS AND IMPLEMENTATION

MARCH 2019



CITY OF  
**BIG RAPIDS**  
MICHIGAN

**SMITHGROUP**



# OVERVIEW

- Redevelopment Ready Sites
- Property Information
- Implementation
- Design Concepts

*The goal is to empower city staff/ leadership to become advocates for redevelopment*

# REDEVELOPMENT READY COMMUNITIES

## BEST PRACTICE FIVE: REDEVELOPMENT READY SITES

- Best practice 5.1 assesses how a community identifies, visions for and markets priority redevelopment sites
- A redevelopment ready site is a site targeted by the community and ready for investment

### Best Practice Five: Redevelopment Ready Sites®

**5.1—REDEVELOPMENT READY SITES®**

Best practice 5.1 assesses how a community identifies, visions for and markets priority redevelopment sites. A redevelopment ready site is a site targeted by the community and ready for investment.

Identifying and marketing priority sites can assist a community to stimulate the real estate market for **obsolete, vacant and underutilized property**. Communities that have engaged the public and determined desired outcomes for priority sites create a predictable environment for development projects. A community which takes steps to reduce the risk of rejected development proposals will entice hesitant developers to spend their time and financial resources pursuing a project in their community. If a development proposal on a priority site is deemed controversial, additional public participation opportunities should be held to ensure community support. To encourage development, it is essential that communities actively package and market sites prioritized for redevelopment. Developers look to invest in places that have an overall vision for the community and priority sites.

**EVALUATION CRITERIA 5.1.1**  
The community identifies and prioritizes redevelopment sites.

**EXPECTATIONS**

- The community maintains an updated list of at least three priority sites.

**EVALUATION CRITERIA 5.1.2**  
The community gathers basic information for at least three priority sites.


**EXPECTATIONS**

- Required information to include:
  - Photo of the site and/or rendering
  - Lot size
  - Desired development outcomes for the site
  - Building size
  - Owner contact information
  - State equalized value
  - Community contact information
  - Utilities on site: Water, sewer, electricity, natural gas
  - Zoning
  - Wired broadband infrastructure: DSL, cable, fiber

**EVALUATION CRITERIA 5.1.3**  
The community establishes a vision for at least three priority sites.

**EXPECTATIONS**

- The **vision** includes desired development outcomes.
- Community champions for redevelopment of the site are identified.
- High controversy redevelopment sites may require additional public engagement.



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### Best Practice Five: Redevelopment Ready Sites®

**5.1—REDEVELOPMENT READY SITES® continued**

**EVALUATION CRITERIA 5.1.4**  
The community identifies **potential resources and incentives** for at least three priority sites.

**EXPECTATIONS**

- The community identifies negotiable development tools, financial incentives and/or in-kind support, based on the project meeting the community's vision and desired development outcomes.

**EVALUATION CRITERIA 5.1.5**  
The community assembles a property information package for at least one priority site.


**EXPECTATIONS**

- The property information package includes basic information and the following as applicable:
  - Available financial incentives
  - Deed restrictions
  - Property tax assessment information
  - Property survey
  - Previous uses
  - Existing conditions report
  - Known environmental and/or contamination conditions
  - Soil conditions
  - Demographic data
  - Surrounding amenities
  - Planned infrastructure improvements as identified in CIP
  - GIS information including site location and street maps
  - Natural features map
  - Traffic studies
  - Target market analysis
  - Market feasibility studies

**EVALUATION CRITERIA 5.1.6**  
Priority redevelopment sites are actively marketed.

**EXPECTATIONS**

- The property information package(s) are accessible online.



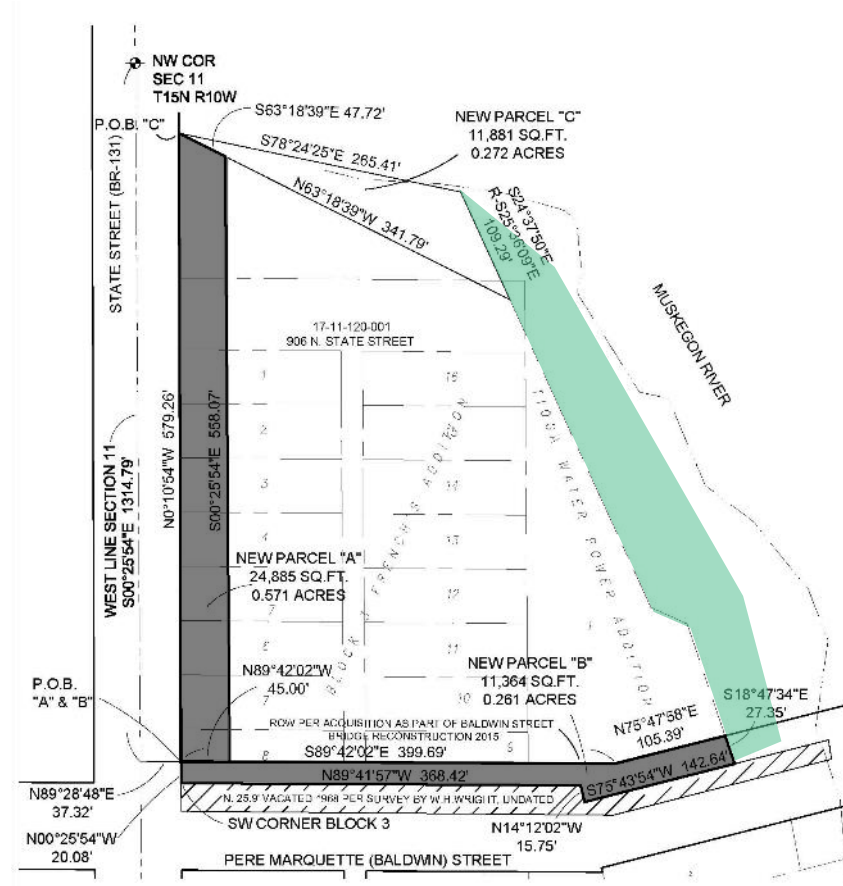
MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

<https://www.miplace.org/globalassets/media-documents/rrc/rrc-best-practices.pdf>

## PRIORITY REDEVELOPMENT SITE

- 117-11-120-001
- 906 N. State Street
- City owned
- Brownfield
- Utilities on site

# Parcel



## Aerial (2018)





# IMPLEMENTATION

# IMPLEMENTATION

## VISION & CONCEPTS

### ■ Visioning

- The vision includes desired development outcomes.
- Community champions for redevelopment of the site are identified.
- High controversy redevelopment sites may require additional public engagement.

### ■ Public Participation

- Establish a steering committee (city staff and representative elected/appointed officials)
- Communities that engage the public and determined desired outcomes for priority sites create a predictable environment for development projects.

### ■ Concepts

- When considering site layout goals, the community may offer one or multiple conceptual site plans to show how the goals can be fit on the site.

<https://www.miplace.org/globalassets/media-documents/rrc/rrc-best-practices.pdf>

# IMPLEMENTATION

## DEVELOP A PROPERTY INFORMATION PACKAGE “PIP”

*A PIP should include at least the first few items in each category.*

- **Basic Stats**
  - Site address and any common names for the site
  - Lot/parcel size
  - Current property owner and contact info
  - Asking price
  - Pictures of the site
  - Current and previous uses
  - Property survey and topography
  - Property tax assessment information
  - Building size (stories, square feet, layout) (N/A)
- **Site Vision or Desired Development Outcomes**
  - Summary of relevant master plan, downtown plan, corridor plan goals
  - Vision statement
  - Minimum required development criteria
  - Preferred concept sketches
  - Known stakeholders
- **Site Context**
  - Neighborhood map and photos
  - Highlight of amenities of the site
  - GIS information, especially parcel outline, street and utility maps
  - Traffic studies, transit information, WalkScore

<https://www.miplace.org/globalassets/media-documents/rrc/rrc-guide---rrsites.pdf>

# IMPLEMENTATION

## DEVELOP A PROPERTY INFORMATION PACKAGE “PIP”

*A PIP should include at least the first few items in each category.*

- **Development Regulations and Process**
  - Municipality contact info
  - Current or future zoning designations
  - Expectations of entitlement process (existing zoning, PUD, etc.)
  - Water, sewer, broadband and other utility locations, capacities, and contact information
  - Storm water requirements
  - Planned capital improvements
- **Environmental Issues**
  - Deed restrictions
  - Known environmental conditions (existing BEA or ESA)
  - Eligibility for brownfield financing
  - Brownfield Redevelopment Authority contact information
  - Soil conditions and natural features map
  - Existing building condition report
- **Market Conditions**
  - Market analysis or feasibility study results
  - Available financial incentives
  - Demographic data, at community and block group levels
  - Sales comps for desired develop

<https://www.miplace.org/globalassets/media-documents/rrc/rrc-guide---rrsites.pdf>

# IMPLEMENTATION

## MASTER PLAN AMENDMENTS

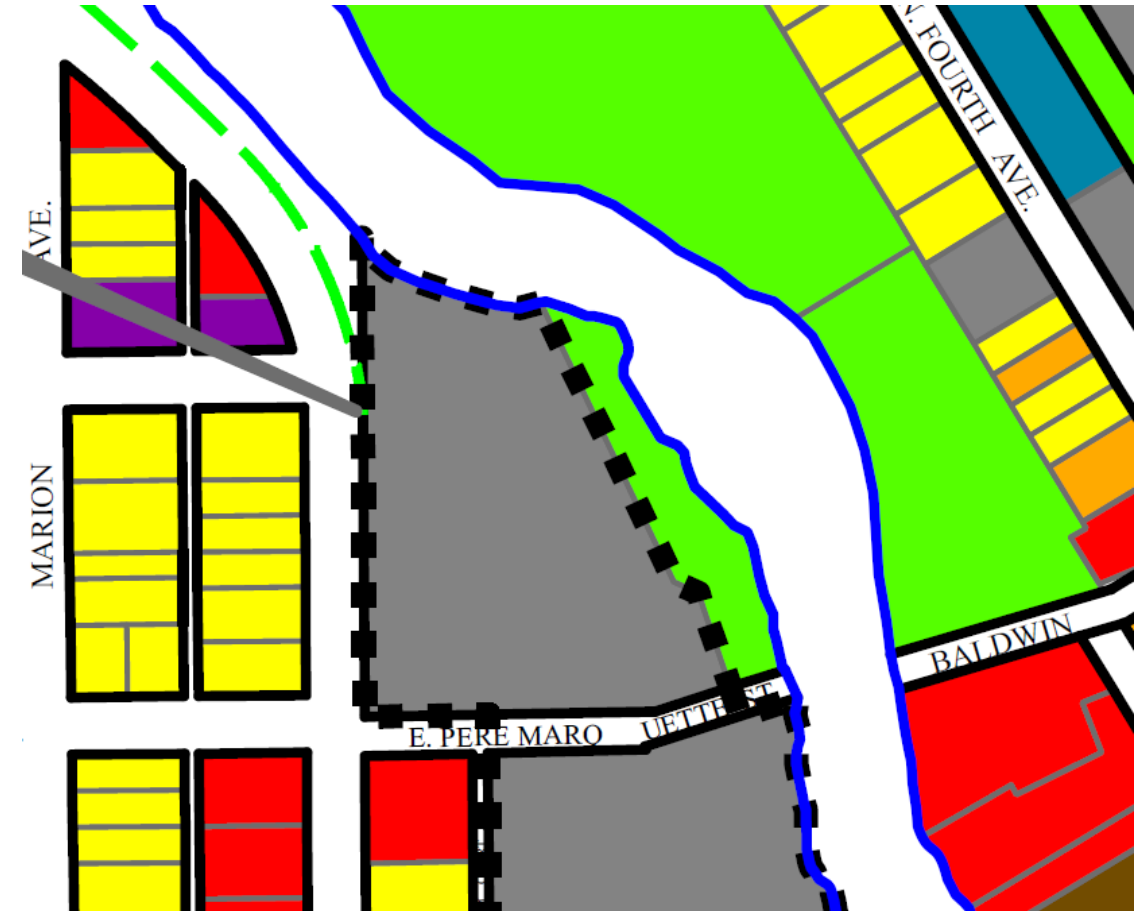
- According to the FLU map, the site is planned Industrial and Future Rezoning
- Ideally, the City would take on a comprehensive update of the FLU categories and FLU map
- However, based on the narrative of the *2017 Addendum to the 2009 City of Big Rapids Master Plan*, the City may already have a sufficient basis to proceed with a PUD rezoning process

Focus Area #8



“The City would like to promote the area for mixed use development including a variety of residential and commercial uses.” (p. 36)

Future Land Use Map



Legend

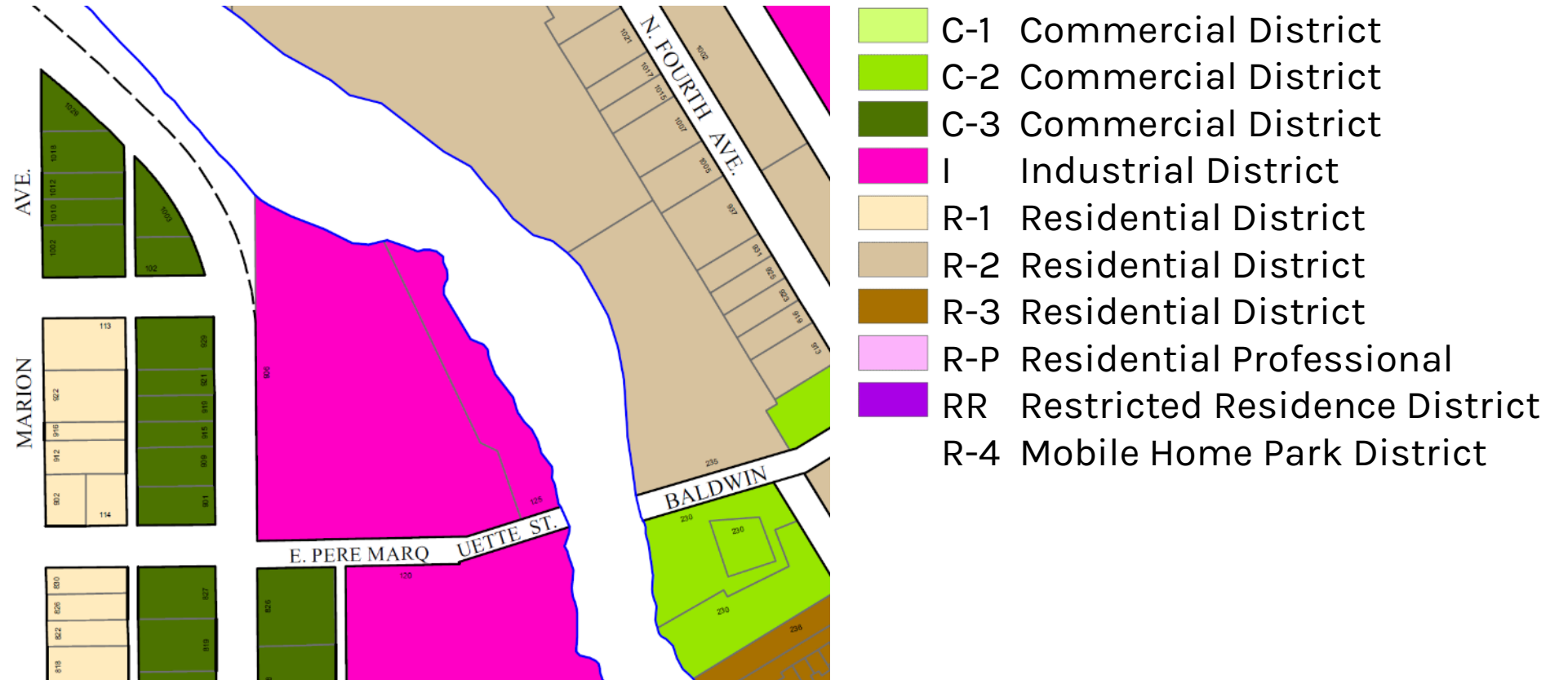
|                           |                         |                   |
|---------------------------|-------------------------|-------------------|
| COMMERCIAL                | FERRIS STATE UNIVERSITY | APARTMENT COMPLEX |
| INDUSTRIAL                | PUBLIC/PRIVATE SCHOOLS  | GOVERNMENT        |
| RESIDENTIAL (SINGLE UNIT) | CHURCHES                | MOBILE HOME PARK  |
| RESIDENTIAL (2-4 UNITS)   | PARK LAND               | Future Rezoning   |

# IMPLEMENTATION

## ZONING AMENDMENTS

- The site is currently zoned Industrial
- The site can be proactively rezoned to PUD
- However, the current PUD is written as a Conditional Use within the R-3 Residential District. It requires a 5-acre site and is also limited in terms of permitted uses
- Recommend amending the zoning ordinance to establish a separate PUD district

Zoning Map (2012)





# IMPLEMENTATION

## SUGGESTED PLANNED UNIT DEVELOPMENT (PUD) AMENDMENTS

- Adopt a preliminary PUD plan proactively showing the desired location of new buildings and maintenance of existing ones
- If the Preliminary PUD is complied with, only final site plan approval is needed
- An overlay to existing zoning district so all other regulations apply
- Prepare a map of the PUD district
- Develop design standards or guidelines to govern the extent and character of improvements
- Form-based code elements can be introduced, if administrative approval is desired
- Adopt concurrent with the PUD rezoning
- Then once a developer is on board, it will be straightforward, quick final PUD Site Plan approval process
- Treated the same as other site plan reviews
- Should take 30 days or less once a complete final PUD site plan application is submitted

# IMPLEMENTATION

## FINANCING TOOLS

- **Corridor Improvement Authority (TIF) Benefits**
  - Spur further improvements in the district
- **Determine what level of incentives the City can provide**
  - Reduced purchase price
  - Tax abatements
  - TIF
- **MEDC Toolkit available to developers**
  - Community Revitalization Program (CRP)



# IMPLEMENTATION

## PROMOTING THE SITE

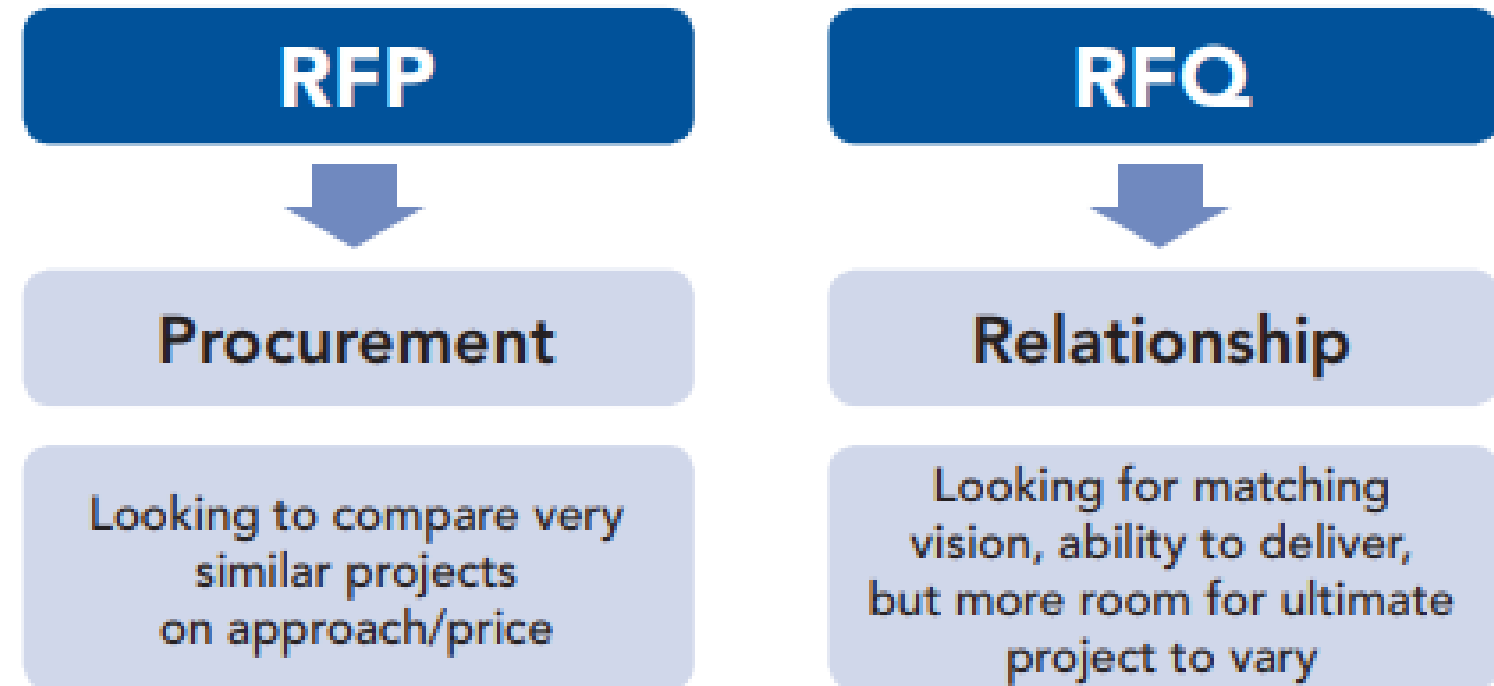
*Once your community has met the RRC best practice criteria, it will be certified as a Redevelopment Ready Community® and your RRSites will be marketed by the MEDC via its various channels.*

- **List property through real estate portals**
  - This is a more passive approach that typically requires less background work on the part of local staff and no commitment to a formal RFQ process
  - Relies on interested developers or site selectors finding the site
- **Share marketing package with local developers**
  - Identify local champions who are willing and able to connect with developers and share the vision for the site
  - Champions should develop a strategy for promotion and meet regularly to update progress
- **Facilitate developer matchmaking**
  - Identify a list of priority redevelopment sites
  - Identify local partners (adjacent communities, County, MEDC, MML) to help in identifying and reaching out to potential developers and hold a development forum

# IMPLEMENTATION

## REQUEST FOR QUALIFICATIONS (RFQ)

- A “Request for Qualifications,” or RFQ, is a process communities can use to select a development partner for their priority redevelopment sites. The goals of an RFQ are to:
  - Define and state the community’s goals for a priority site
  - Get the attention of a pool of potential developers
  - Select a developer who can best execute the desired concept on the site



*The selection at the end of an RFQ is not necessarily based on price and timeline alone, but on the compatibility of the developer’s vision with the community’s, and the track record of the developer in being able to execute their vision.*

Source: <https://www.miplace.org/globalassets/media-documents/rrc/rrc-guide---developer-rfq.pdf>

# IMPLEMENTATION

## REQUEST FOR QUALIFICATIONS (RFQ)

### ■ Components

- Cover sheet
- Development opportunity
- Site Context
- Site Vision
- Development Process
- Market Conditions
- Application Details

### ■ Distribution

- Listing services: Includes websites like CPIX, ZoomProspector, or BidNet
- Organizational distribution: Such as Urban Land Institute Detroit (ULI), Homebuilders Association of Michigan, and Community Economic Development Associates of Michigan (CEDAM)
- Individual distribution: Sending the RFQ to individual developers, whether electronically, by mail, or both

### ■ Other considerations

- Decision-making steps
  - Sale of property
  - Development approval
- Selection Criteria
- Timeline for Selection

*An RFQ process puts site marketing on a time limit: developers are asked to respond by a specified date, with the expectation that the community will make a selection in a timely fashion.*

Source: <https://www.miplace.org/globalassets/media-documents/rrc/rrc-guide---developer-rfq.pdf>

# DESIGN CONCEPTS

# VISIONING AT A CONCEPTUAL LEVEL

- When considering site layout goals, the community may offer one or multiple conceptual site plans to show how the goals can be fit on the site.
- Multiple concepts provides flexibility to the developer.

# CONCEPT CONSIDERATIONS

## ■ Financial

- Does the community have a required minimum purchase price?
- Is the community willing or able to consider development options that require long-term property tax abatement?

## ■ Use

- Has a retail market study identified specific gaps that can be appropriately filled in that location?
- Has a residential target market analysis called out specific housing types that are needed?

## ■ Site layout

- Should buildings face a specific direction on a site that fronts on multiple streets?
- If internal streets are needed for a larger site, are there specific requirements for their location?
- Are specific site amenities like outdoor plazas or bike/walk paths desired?

# GUIDELINES FOR REDEVELOPMENT

- Serve as a catalyst for the future redevelopment of the focus area
- Provide an attractive northern gateway to the community, particularly along State St.
- Capitalize on views of the Muskegon River and Riverwalk trail
- Provide for public space/ public use component
- Retain (and extend) public access to the Muskegon River
- Prioritize pedestrian connectivity around and through the site
- Screen parking, utilities and loading areas
- Complement the scale and character of the adjacent residential neighborhood
- High quality materials



# CONCEPT 1

## NEIGHBORHOOD COMMERCIAL AND RIVERFRONT CONDOS

- Mixed use site
- Neighborhood commercial retail shops/restaurant near the intersection of State and Pere Marquette
- 2-story apartment/condo flats fronting the river
- Gateway open space
- Expanded riverfront park with gathering areas





# CONCEPT 1

## NEIGHBORHOOD COMMERCIAL AND RIVERFRONT CONDOS





# CONCEPT 1

## NEIGHBORHOOD COMMERCIAL AND RIVERFRONT CONDOS





# CONCEPT 1

## NEIGHBORHOOD COMMERCIAL AND RIVERFRONT CONDOS





# CONCEPT 2

## TOWNHOMES IN A PARK SETTING

- Residential development
- 2.5 story townhomes or flats with garages
- Abundant green space and pedestrian circulation
- Design elements include gateway feature, rain garden and pedestrian bridge





# CONCEPT 2

## TOWNHOMES IN A PARK SETTING





# CONCEPT 2

## TOWNHOMES IN A PARK SETTING





# CONCEPT 3

## RIVERFRONT LOFTS AND DESTINATION MIXED-USE ON THE RIVER

- Mixed-use development and higher density housing
- 3-story lofts with at grade parking
- Or 4-story lofts with parking below grade
- Destination retail/restaurant with views of the river
- Opportunity for lofts above commercial space





# CONCEPT 3

## RIVERFRONT LOFTS AND DESTINATION MIXED-USE ON THE RIVER





# CONCEPT 3

## RIVERFRONT LOFTS AND DESTINATION MIXED-USE ON THE RIVER





***Planning Commission  
Regular Meeting***

Big Rapids City Hall  
226 N Michigan Avenue

April 17, 2019  
6:30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
  - a. 20 March 2019
5. Public Comment Not Related to Items on the Agenda
6. Public Hearing
  - a. Review of the Site Plan Application to construct an Employee Resource Center at 1315 Hanchett Drive (Big Rapids Products).
  - b. Review of the Conditional Use Permit Application for a home occupation at 822 Bjornson Street.
7. General Business
  - a. New Economy-Type Uses Zoning
  - b. Marihuana Zoning
8. Unscheduled Business
9. Adjourn

**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
March 20, 2019  
UNAPPROVED**

Acting Chairperson Vogel called the March 20, 2019, regular meeting of the Planning Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Renato Cerdena, Paul Jackson, Tim Vogel, Bill Yontz

**EXCUSED** Chris Jane, Rory Ruddick, John Schmidt

**ABSENT**

**ALSO PRESENT** Paula Priebe, Neighborhood Services Director  
Cindy Plautz, Neighborhood Services Coordinator

There were 0 people in the audience.

**APPROVAL OF MINUTES**

Motion was made by Bill Yontz, seconded by Paul Jackson, to approve the minutes of the February 20, 2019, meeting of the Planning Commission as presented.

Motion passed with all in favor.

**PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA**

None heard.

**PUBLIC HEARINGS**

**Text Amendment to the Zoning Ordinance to add Licensed Group Child Care Home as a Principal Use in the R-P District.**

Priebe reviewed her Staff Report for the Commission saying that after the Planning Commission recommended a text amendment to the Zoning Ordinance to allow Child Care Centers as a Principal Use in the R-P District, a number of community members attended the City Commission meeting to express the need to expand child care in Big Rapids. Last month, the Planning Commission decided to move forward with two text amendments to the Zoning Ordinance related to child care:

- To permit Group Child Care Homes in the R-P District as a Principal Use
- To permit Child Care Centers in the Industrial District as a Principal Use

The Planning Commission is asked to consider recommendation of these text amendments to the City Commission. We will consider Group Child Care Homes in the R-P District as a Principal Use first.

**Public Hearing for Text Amendment to the Zoning Ordinance to add Licensed Group Child Care Home as a Principal Use in the R-P District.**

**Applicant Statement**

As above.

**Acting Chair Vogel opened the Public Hearing at 6:33 p.m.**

**Those Who Spoke in Favor:**

None heard.

**Those Who Spoke in Opposition:**

None heard.

**Written or Telephonic Correspondence Received by Staff:**

None

**Applicant Rebuttal:**

None

**Acting Chairperson Vogel closed the Public Hearing at 6:34 p.m. and the Commission entered into Fact Finding.**

Vogel referred the Commission to the Standards for Zoning Amendment Review found in Section 14.2:4 in the Zoning Ordinance and outlined in the Staff Report and asked the Commission to consider the standards in making their decision.

Standard (1) No issues heard.

Standard (2) No issues heard.

Standard (3) No issues heard.

Standard (4) No issues heard.

**MOTION**

**Motion was made by Paul Jackson, seconded by Renato Cerdena, to recommend approval to the City Commission for a Text Amendment to the Big Rapids Zoning Ordinance under**

**the Residential Professional (R/P) District, 3.3:2 Principal Uses, that would add Licensed Group Child Care Home as a Principal Use.**

**Motion Passed with Renato Cerdena, Paul Jackson, Tim Vogel and Bill Yontz in favor.**

**Public Hearing for Recommendation on Text Amendment to the Zoning Ordinance to add Licensed Child Care Center as a Principal Use in the Industrial District.**

Priebe introduced the request by saying that many of the people who spoke in favor of increased child care opportunities at the afore mentioned City Commission meeting expressed a desire to include Child Care Centers in the Industrial District. Priebe added that to her knowledge, there are no industries that might be considered harmful to children being cared for in a Child Care Center in the Industrial District.

**The Public Hearing was opened at 6:40 p.m.**

**Those Who Spoke in Favor of the Request:**

None heard.

**Those Who Spoke in Opposition of the Request:**

None heard.

**Telephonic or Written Comments Received by Staff:**

None received.

**The Public Hearing was closed at 6:41 p.m. and the Commission entered into Fact Finding.**

Cerdena asked if the Zoning Ordinance prohibits heavy industry in the Industrial Park. Priebe answered that heavy industry is permitted by Conditional Use Permit which would require review and approval by the Planning Commission.

Cerdena wondered that if this request for Text Amendment is approved, would it deter future development in the Industrial District. Priebe responded by saying that there is a variety of vacant land in the Industrial District and it is spread out so it is possible that both could occur.

Vogel asked if an employer in the Industrial District could create a Child Care Center. Priebe said that if the amendment is passed, it could be possible.

Yontz felt that Child Care Centers in the work place could cut down on absenteeism.

Priebe said that Child Care Centers would need to comply with State licensing and that too would regulate any proposed location. She added that other Districts permit Child Care Centers, and some are close to the Industrial District.

Vogel added that in the past there have been complaints of noxious odors, but the company worked with those who made the complaints and the matter was resolved.

The Commission applied the Standards for Zoning Amendment Review to this request and found the following:

- (1) No issue heard.
- (2) No issue heard.
- (3) No issue heard.
- (4) Jackson asked if there might be a conflict with the Master Plan and Priebe said she had reviewed it and found no issue.

### **Motion**

**Motion was made by Bill Yontz, seconded by Paul Jackson to recommend approval to the City Commission of a Text Amendment to the Big Rapids Zoning Ordinance under the Industrial (I) District, 3.12.2 Principal Uses, that would add Licensed Child Care Center as a Principal Use.**

**Motion passed with Renato Cerdena, Paul Jackson, Tim Vogel and Bill Yontz in favor.**

### **GENERAL BUSINESS**

#### **Annual Report of Planning**

Priebe reported that per the Michigan Planning Enabling Act, it is required of the Planning Commission to submit a written report to the City Commission on a yearly basis. It is also recommended by the MEDC. The report increases communications between the Planning and City Commissions and aids in preparation and budgeting for upcoming issues and priorities. At last months Planning Commission meeting the Commission identified some Master Plan goals to be highlighted as priorities for the coming year. They are included in the Report as follows:

- Promotion of the City through advertising.
- Working with FSU to explore creating a business incubator.
- Review the Zoning Ordinance to consider updating it with Formed Base Code.
- Achieve MEDC Redevelopment Ready Community (RRC) status.
- Expand non-student rental housing options.
- Address the lack of child care.

Priebe briefly reviewed the Report and asked the Commission for comments.

Vogel asked that “board” be taken out of the first sentence under the Planning Commission heading on page 1. He also asked that the Capital Improvement Plan be added to page 10 under *Other Notable Planning Actions or Topics of Discussion*.

## **Motion**

**Motion was made by Renato Cerdena, seconded by Bill Yontz to recommend approval to the City Commission of the Annual Report of Planning with the following conditions: Strike the word “board” on page 1 in the first sentence under the Planning Commission heading and, add the CIP process on page 10 under *Other Notable Planning Actions or Topics of Discussion*.**

**Motion passed with Renato Cerdena, Paul Jackson, Rory Ruddick, Tim Vogel and Bill Yontz in favor.**

## **Zoning for New Economy-type Businesses**

Priebe reviewed her report saying that to achieve RRC certification through the MEDC, it is recommended for the City to consider adding zoning to allow “new economy-type uses. Some of the uses are film/recording studios, live-work spaces, indoor recreation areas, breweries, distilleries and/or arts and crafts studios. Based on last month’s conversation on the topic and research of what other communities permit, Priebe prepared recommendations for amendments to the Zoning Ordinance concerning where they should be permitted. Recommendations are outlined in her report.

Arts and Crafts Studios – C-2, C-3 and Industrial. This is similar to what is permitted in other communities.

Catering Services – C-2, C-3 and Industrial.

Film and Recording Studios – Industrial. Some communities don’t permit them anywhere. Large buildings would be needed for film. Recording studios could be smaller and are permitted elsewhere. Jackson brought up the possibility of studio residences in which artists could relax/rest throughout the day. Since FSU has a Music Industry major, we could see a need for recording studios down the road. Priebe stated that radio stations are permitted. It was suggested that the City could zone for recording studios and strike film studios. They could be allowed in the C-2 and C-3.

Indoor Recreation Areas – C-1, C-3 and Industrial. These could be public or private facilities that allow ice arenas, indoor pools, community rec centers or facilities that provide indoor/outdoor exercise or court/field facilities. The Commission asked about allowing in the C-2 district to which Priebe stated that C-2 is primarily the downtown area. Cerdena asked why Auditoriums and Stadiums are not included. They could attract more people to the area as would more festivals. The Convention and Visitors Bureau does some promotion of the area and what it has to offer.

Microbreweries and Brewpubs, Craft Distilleries, and Small Wineries – C-3 and Industrial. Some cities allow these types of use in downtowns. Priebe asked if the Commission felt they should be allowed, and they believe that smaller establishments could be allowed. Vogel

suggested having conversations with the City Commission and the Downtown Business Association to gain their thoughts on allowing these uses in the C-2 district. Priebe will talk with them and bring back their thoughts to the Planning Commission.

Scientific, Engineering, and Medical Research and Development Laboratories – Industrial.

Priebe's thought was to keep these uses separate from the C-1, C-2, and C-3 districts as some of the uses could be objectionable.

Priebe will consider the Commission's comments and fine tune the Zoning uses for a future Planning Commission decision and direction.

### **Hanchett Site Redevelopment Process Update**

The City hosted a design charrette for the Hanchett property to collect community comments on the future development of the Hanchett property. The SmithGroup was hired to gather information and come up with several ideas for development. This process fulfills another requirement to achieve RRC status by selecting and showcasing a property that is available for development. Their proposal/report was presented for the Commission to study and make recommendations as to the direction the City should pursue. Some of the things to consider are what will be allowed at the site, how will the site be marketed, and what incentives will be offered a developer. The City has a big investment in this site.

A Planned Unit Development would outline what the City would like to see at the site and would put development on a fast track. The SmithGroup presented three concepts for the site. All meet the general idea the City/community would like to see here. Jackson did not like the all residential nature of Concept 2. Yontz and Jackson like the idea of a pedestrian bridge over the river. Jackson said Concept 3 makes the most sense.

Vogel said it is hard to get over what happened at Tioga Park. He would like to see a list of design standards/requirements for the site.

Priebe asked if the Commission thought this development which would include commercial use would compete with the downtown. Jackson would like to link this area to the downtown to make it an attraction/destination along the river. Rockford is a good example of this. Jackson and Vogel stated that they do not think the downtown would suffer with this development but would be supportive. Priebe added that the Master Plan links Hanchett to the old Pine Shop. She would like to envision the downtown commercial area developed to the river. It could be included in the long-term visions in the next Master Plan revision.

**There being no further business, the meeting was adjourned at 7:40 p.m. with all in favor.**

Respectfully submitted,  
Cynthia J. Plautz  
Planning Commission Secretary



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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Site Plan Review – 1315 Hanchett Drive  
DATE: 11 April 2019

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### **Introduction**

Applicant Big Rapids Products has submitted a Site Plan Review Application to construct an Employee Resource Center at Parcel 17-11-400-016, 1315 Hanchett Drive. This 1.72-acre site is zoned Industrial and is located immediately to the north of the existing Big Rapids Products facility on Maple St. See the attached Location Map for the location of the property in question.

The site currently has one building on it, a 6,000 sq. ft. distribution warehouse that was previously owned by Acme Propellers. Photos of the current site conditions are attached. The Applicant proposes to add on to the existing structure with a 3,442 sq. ft. addition of office space. See the set of Site Plans included with the packet.

Parking for the site will be provided by the City parking lot adjacent to the site. This lot has 37 parking spaces and is currently used by employees of Big Rapids Products. The Employee Resource Center, according to the Applicant, “is meant to serve existing employee population across the street” and thus will not change the current usage of the lot.

### **Site Plan Review Process and Procedure**

The Site Plan Review Application was received by the Neighborhood Services Department on 29 March 2019 and was deemed in compliance with Section 9.4. As required by Ordinance, Site Plan Reviews must go through a public hearing process. Notice was posted in the Big Rapids Pioneer on 08 April 2019 and sent to all property owners within 300 ft of the site.

The Site Plans were shared with the Building Inspector, the Deputy Director of Public Safety – Fire Division, and the Public Works Department’s Engineering staff for their review.

Building Inspector - “I looked over the plans for 1315 Hanchett Drive for the Employee resource center and see no issues, I would need to review a full set of plans for final construction approval.” -Aaron Holsworth, Building Official for Mecosta County

Public Safety - Deputy Director of Public Safety – Fire Division Steve Schroeder reviewed the site plans and found no issues that would affect fire department safety concerns.

Public Works - Plans were approved regarding stormwater retention by Engineering Technician Matt Ruelle.

He requested to see a detail view of the sidewalk along the City parking lot, which includes the ADA ramp that will be needed at the handicap parking spots.

### **Criteria for Review of Site Plan Review Applications**

Section 9.6 of the Zoning Ordinance clearly lays out a series of criteria for reviewing Site Plan Review applications, stating as follows:

- 9.6:1 That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to insure the safety and convenience of pedestrian and vehicular movement.

With respect to vehicular and pedestrian circulation, including walkways, interior drives, and parking, the site shall be developed so that access points, general interior traffic circulation, pedestrian circulation, and parking areas are safe and convenient and, insofar as practicable, do not detract from the design of the proposed buildings and existing structures on neighboring properties.

- 9.6:2 All elements of the site plan shall be harmoniously and efficiently organized in relation to the topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings.

The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

- 9.6:3 That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which will result in maximum harmony with adjacent areas.

- 9.6:4 That any adverse effects of the proposed development and activities emanating there from which affect adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback and location of buildings, structures and entryways.

All loading and unloading areas and outside storage areas, including areas for the storage of refuse, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height.

- 9.6:5 That the layout of buildings and improvements will minimize any harmful or adverse effect which the development might otherwise have upon the surrounding neighborhood.

Physical improvements including sidewalks, drives and parking areas shall be built to adequate standards to minimize premature deterioration.

Sites at which hazardous substances are stored, used or generated shall be designed to prevent spill or discharges to the air, surface of the ground, groundwater, streams, drains or wetlands. Secondary containment for above ground storage of hazardous material shall be provided.

- 9.6:6 That all provisions of all local ordinances, including the City Zoning Ordinance, are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.

Planning Commissioners are encouraged to review the Application against the Criteria in Section 9.6 to decide if they find it meets or fails to meet them. These Criteria shall be used to decide the Action taken by the Planning Commission.

**Recommendation**

Staff recommends approval of the Site Plan Review Application for an Employee Resource Center for Big Rapids Products at Parcel 17-11-400-016, 1315 Hanchett Drive, as it meets the Criteria for Review found in Section 9.6 of the Zoning Ordinance.

### Action

Three options lay before the Planning Commission regarding Site Plan Review Applications: Approval, Denial, or Approval with Conditions. Explanations and sample motions are included below.

### Approval

An approval motion is appropriate when the Application meets the Standards of the Zoning Ordinance and approves the Application.

“I move that the Site Plan Review Application for an Employee Resource Center for Big Rapids Products at Parcel 17-11-400-016, 1315 Hanchett Drive be approved, because it meets all of the Criteria for Review set in Section 9.6 of the Zoning Ordinance.”

### Denial

A denial motion is appropriate when the Application fails to meet the Standards of the Zoning Ordinance and ends the application process.

“I move to deny the Site Plan Review Application for an Employee Resource Center for Big Rapids Products at Parcel 17-11-400-016, 1315 Hanchett Drive, because it does not meet Criteria 9.6:X of the Zoning Ordinance. *(Fill in the X with which number Criteria the application does not meet.)*”

### Approval with Conditions

An approval with conditions motion is appropriate when the Application meets the Standards of the Zoning Ordinance, but the Planning Commissioners believe a few minor conditions or alterations are required. This motion approves the Application contingent upon the listed conditions.

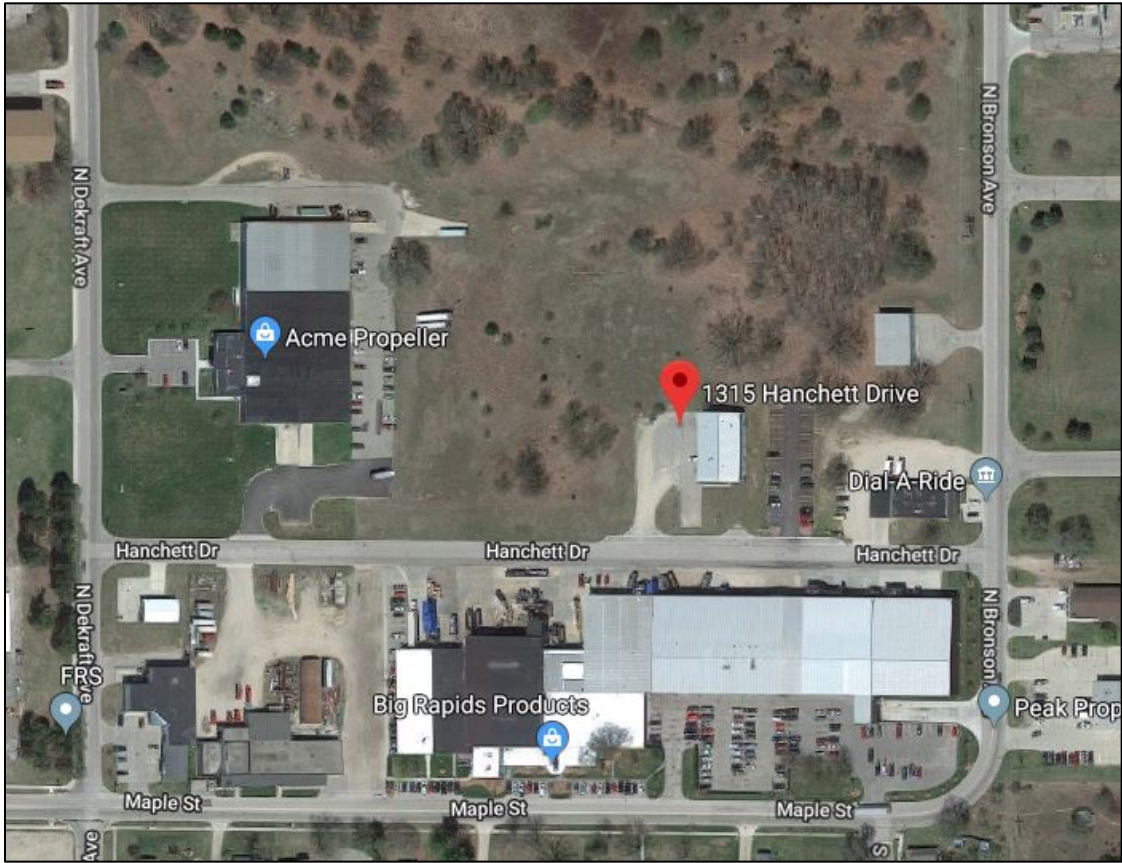
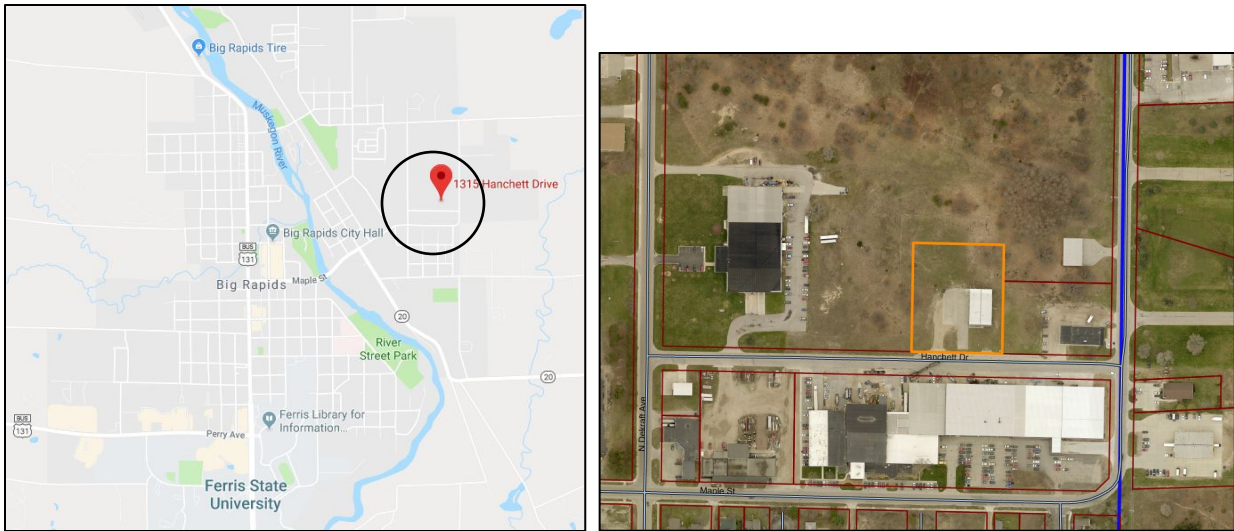
“I move that the Site Plan Review Application for an Employee Resource Center for Big Rapids Products at Parcel 17-11-400-016, 1315 Hanchett Drive be approved with conditions. The Application meets the Criteria for Review set in Section 9.6 of the Zoning Ordinance, but conditions are required to *(select from the relevant reasons below)*

- (1) Ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- (2) Protect the natural environment and conserve natural resources and energy.
- (3) Ensure compatibility with adjacent uses of land.
- (4) Promote the use of land in a socially and economically desirable manner.

The following conditions are required to address this need: *(list conditions here. Could include items like requiring additional permits, revising plans to show needed changes, demonstrating adequacy of the stormwater detention facilities, or moving features out of the fire lane, among others).*

A revised, dated site plan and documents addressing the above shall be submitted for staff approval within 60 days.”

Location Map – 1315 Hanchett Drive





Site Plan Review - 1315 Hanchett Drive  
Current Site Conditions



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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Conditional Use Permit Application – 822 Bjornson St  
DATE: 10 April 2019

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### **Introduction**

Applicant Chad Thumser is applying for a Conditional Use Permit for a home occupation at his residence, 822 Bjornson Street. This property is located in the northeast side of the City and is in the R-1 Residential District. See the attached Location Map for the location of the property.

Section 3.4:6 (4) of the Zoning Ordinance has home occupations listed as a Conditional Use, subject to the conditions of Section 11.1:10. This Section states that home occupations may be permitted in the R-1, R-2, and R-3 Residential Districts as a conditional use under the following procedures and conditions:

- (1) No stock in trade may be kept or articles sold or offered for sale in the dwelling except such as are produced by such home occupation.
- (2) No display of goods or signs pertaining to such use are visible from the street and that no persons are employed other than the dwelling occupants.
- (3) The principal structure for which the Conditional Use is requested must be the residence of the applicant. No such home occupation may be conducted in any accessory building.
- (4) No such home occupation shall require interior or exterior alterations, or use of mechanical equipment, not customary for housekeeping.
- (5) The home occupation shall not generate more than ten (10) business related vehicles trips in any one (1) day period.
- (6) Parking for the home occupation shall be accommodated in the driveway or along the curb adjacent to the property.
- (7) No more than twenty-five (25) percent of the floor area of the ground floor of the principal structure may be devoted to the home occupation.
- (8) The home occupation shall not require exterior alterations that change the residential character of the dwelling (this statement shall not be construed so as to prohibit alterations necessary to comply with the Americans With Disabilities Act).
- (9) In no case shall the home occupation be open to the public at times earlier than 7:00 a.m. or later than 9:00 p.m.



### **Nature of the Home Occupation**

The Applicant is proposing to use his residence as the address for his new business which will be selling firearms at trade shows. According to his application (attached), “no business will be conducted at the address. All business will be conducted outside of the Big Rapids City limits at trade shows, gun shows, etc. Storage of materials and supplies for the business between show events will be inside the residence.”

In order to run this type of business, the Applicant must obtain a Federal Firearms License. This license process requires formal zoning approval from the local municipality, which has led the Applicant to the Planning Commission with this request for a Conditional Use Permit.

### **Federal Firearms Licenses**

The Bureau of Alcohol, Tobacco, Firearms and Explosives’ (ATF) is responsible for licensing persons engaging in manufacturing, importing and dealing in firearms and ensuring that those who are licensed to engage in those businesses are in compliance with applicable laws and regulations. The ATF’s Federal Firearms Licensing Center (FFLC) issues and renews Federal Firearms Licenses (FFL) in accordance with the Gun Control Act of 1968.

There are nine types of FFLs and three types of explosives licenses and permits. See the attached infographic from ATF for more information on the types. The Applicant in this case is applying for two licenses: Type 01 and 03. Type 01 licenses are for a “Dealer in Firearms Other Than Destructive Devices” and Type 03 licenses are for a “Collector of Curios and Relics”.

Information on the more than 130,000 FFLs is public. See the attached handout for a table of all FFLs in zipcode 49307 and a map showing their approximate location. The two located within the City of Big Rapids are for Dunham’s Sports and State Street Hardware.

### **Conditional Use Process and Procedure**

The Conditional Use Permit Application was received by the Neighborhood Services Department on 28 March 2019. As no alterations are proposed for the site, no site plan was required of the Applicant.

All Conditional Use Permit Applications require a Public Hearing. Notice was posted in the Big Rapids Pioneer on Monday 08 April and sent to all property owners within 300 feet of 822 Bjornson Street. Staff received two calls from neighbors asking for more information about the letters, but no formal comments were received in advance of the hearing.

The Director of Public Safety Jim Eddinger was consulted regarding the application due to the type of business involved. He stated that the Department has no particular concerns and treat these uses like any other business. He also mentioned that business owners who go through the proper legal channels, as seen in this case, are very rarely the ones which are problems for Public Safety.

### **Standards for Conditional Uses**

Section 10.3:8 of the Zoning Ordinance clearly lays out a series of standards for Conditional Uses, stating as follows:

Standards. No conditional use shall be recommended by the Planning Commission unless such Board shall find:

- (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.
- (2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor shall it substantially diminish and impair property values within its neighborhoods.
- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) That adequate utilities, access roads, drainage and necessary facilities have been or are being provided.
- (5) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
- (6) That the conditional use shall, in all other respects conform to the applicable regulations of the district in which it is located, any specific requirements established for that use in Article 11 and to any additional conditions or procedures as specified in Section 10.4.

The Applicant has addressed these Standards in his own words in his application (attached).

Planning Commissioners are encouraged to review the Application against the Standards in Section 10.3:8 to decide if they find it meets or fails to meet them. Commissioners are also encouraged to review the Application against the Home Occupation standards in Section 11.1:10.

### **Recommendation**

Staff recommends approval of the Conditional Use Permit Application for a home occupation at 822 Bjornson Street, as it meets the Standards set in Section 10.3:8 of the Zoning Ordinance.

## Action

Three options lay before the Planning Commission regarding Conditional Use Permit Applications: Approval, Denial, or Table. Explanations and sample motions are included below.

### Approval

An approval motion is appropriate when the Application meets the Standards of the Zoning Ordinance and sends the Application to the next step in the process where City Commission has final say in approving or denying the request.

“I move that the Conditional Use Permit Application for a home occupation at 822 Bjornson Street be recommended to the City Commission for approval, because it meets the Standards set in Section 10.3:8 of the Zoning Ordinance. *[If any conditions on approval, list them here.]*”

### Denial

A denial motion is appropriate when the Application fails to meet the Standards of the Zoning Ordinance and ends the application process.

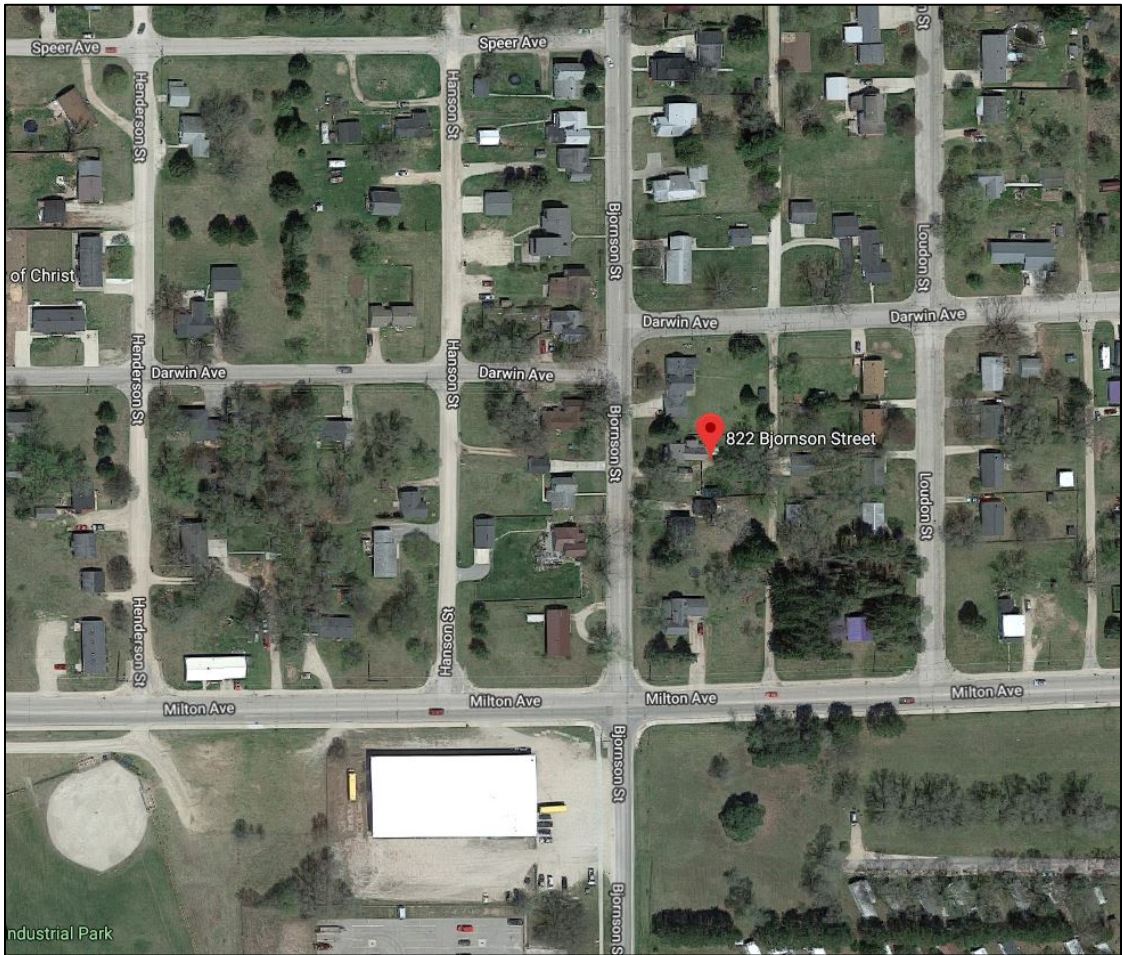
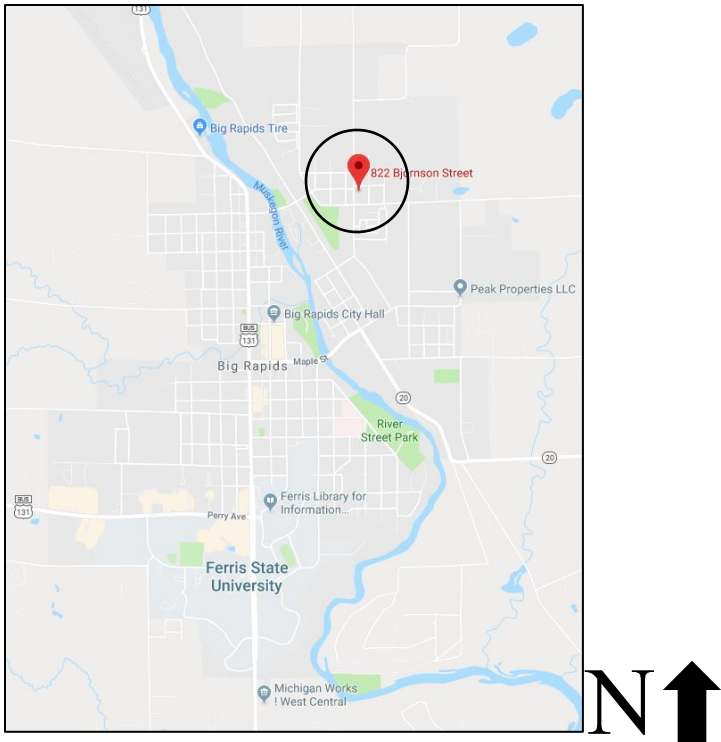
“I move to deny the Conditional Use Permit Application for a home occupation at 822 Bjornson Street, because it does not meet Standard 10.3:X of the Zoning Ordinance. *(Fill in the X with which number Standard the application does not meet.)*”

### Table

A Table motion is appropriate when more information is needed before reaching a decision regarding the Application and pauses the process until a later date.

“I move to table a decision on the Conditional Use Permit Application for a home occupation at 822 Bjornson Street until the May 15 meeting of the Planning Commission, because *(list your reason for tabling the decision here)*.”

Location Map – 822 Bjornson Street





City of Big Rapids

Department of Neighborhood Services  
Application to the Planning Commission for Zoning Request

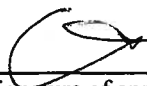
Application Date: March 28-19

**Applicant Information:**

|   |                             |
|---|-----------------------------|
| Name: <u>Chad Thumser</u>                             |                             |
| Address: <u>822 Johnson St. Big Rapids, mi. 49307</u> |                             |
| Phone Number: <u>231) 250-3779</u>                    | Property Zoning: <u>R-1</u> |
| Request Property Address: <u>822 Johnson St.</u>      |                             |
| Explanation of Request: <u>Home Occupation</u>        |                             |

Please check one of the following:

- ☒ Conditional Use Permit, Please include the following information
- ☒ A legal description of the property.
  - ☒ Twelve (12) copies of a site plan meeting the requirements of Section 9.4 of the Big Rapid Zoning Ordinance as amended.
  - 3. A written description of the use.
  - 4. Address use standards set forth in Section 10.3:8.
  - 5. \$75.00 Application Fee
- ☐ Zoning Amendment Review, Please include the following information:
- ☐ Rezoning
    - 1. A legal description of the property.
    - 2. A written description of reasons for rezoning and proposed new zoning classification.
    - 3. Address the requirements set forth in Section 14.2:4. (posting of notification)
    - 4. A location map.
    - 5. \$75.00 Application Fee
  - ☐ Text or Map Amendment
    - 1. A written description of proposed changes and reasons why.
    - 2. In the case of a text amendment, proposed new text shall be submitted.
    - 3. In the case of a map amendment, proposed new map shall be submitted.
    - 4. Address the requirements set forth in Section 14.2:2.
    - 5. \$75.00 Application Fee

  
\_\_\_\_\_  
Signature of applicant or property owner

March 28-19  
(Date)

822 Bjornson St

Big Rapids MI 49307

Written description of use:

Primary use of property is as owner-occupied residence. A home occupation is requested due to the need for an address for a Federal Firearms Application, class 1 and 3, which will allow sale of regular and antique firearms. No business will be conducted at address. All business will be conducted outside of the Big Rapids City limits at trade shows, gun shows, etc. Storage of materials and supplies for the business between show events will be inside residence.

*Chad Thomsen*

*[Signature]* *march 28-19*

10.3:8

The residential address of 822 Bjornson, Big Rapids, MI 49327 as entered in this Permit Request is not intended to be a point of sale for any goods or products.

- (1) It is my intent to sell goods at trade shows and/or swap meets. Per this intent there will not be any increase to public health, safety, or welfare from the acquisition of the permit.
- (2) The properties adjacent to the 822 Bjornson property will not be affected negatively due to the aforementioned intent of only engaging in business transactions at other locations.
- (3) There is at this time no foreseeable reason that issuance of the permit would impede any future development or improvement of the surrounding properties.
- (4) The 822 Bjornson property is within the limits of the city of Big Rapids and the owner pays the city to maintain the adjacent roads and drainage systems. Utilities and facilities are provided for the residents and guests of the residents of the 822 Bjornson property by the property owner as the property is meant to remain a residence and not a location for business transactions with customers.
- (5) Due to the lack of business transactions and/or customer contact at the 822 Bjornson property, at this time, there is no foreseeable reason to believe that issuance of the permit will cause any traffic congestion.
- (6) As a responsible citizen and potential business owner I will conform to any and all required regulations, conditions, procedures, laws, codes, or recommendations set forth by the City of Big Rapids, Mecosta County, State of Michigan, or the Federal Government of the United States of America.





# Types of Federal Firearms Licenses (FFLs)

## WHAT IS AN FFL?

An individual who is licensed to engage in the business of manufacturing, importing and/or dealing in firearms.  
Persons must be licensed by ATF to engage in the business of firearms.

## TYPES OF FFLs



### Dealer

**01**

Dealer in firearms other than destructive devices

**02**

Pawnbroker in firearms other than destructive devices

**09**

Dealer in destructive devices

### Other

**03**

Collector of curios and relics



### Manufacturer

**06**

Manufacturer of ammunition for firearms other than ammunition for destructive devices or armor piercing ammunition

**07**

Manufacturer of firearms other than destructive devices

**10**

Manufacturer of destructive devices, ammunition for destructive devices or armor piercing ammunition



### Importer

**08**

Importer of firearms or ammunition for firearms other than destructive devices or ammunition other than armor piercing ammunition

**11**

Importer of destructive devices, ammunition for destructive devices or armor piercing ammunition



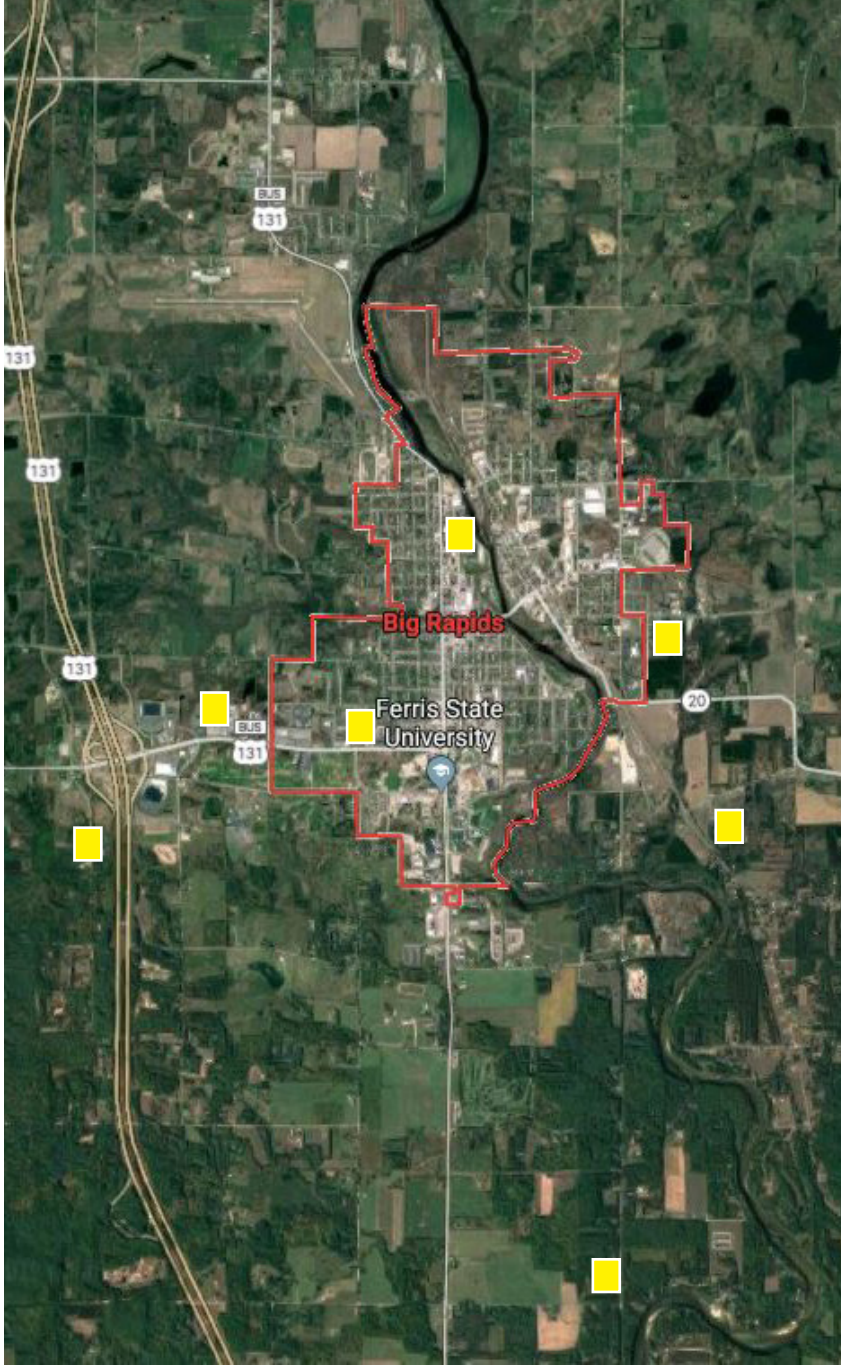
Published By ATF on July 19, 2016



Instagram: @ATFHQ | Twitter: @ATFHQ | Facebook: facebook.com/HQATF | www.atf.gov

### ATF Federal Firearms Licenses in Zipcode 49307

| License Type | License Name                       | Business Name        | License Address        |          |
|--------------|------------------------------------|----------------------|------------------------|----------|
| 01           | MONROE, KELLY LYNN                 | BEWALDA'S BANG BANG  | 18455 15 MILE RD       | Mi 49307 |
| 01           | DUNHAMS ATHLEISURE CORPORATION     | DUNHAMS SPORTS #9246 | 706 PERRY AVE          | Mi 49307 |
| 01           | TRIGGER TIME OUTFITTERS LLC        | NULL                 | 14514 220TH AVE        | Mi 49307 |
| 01           | WAL-MART STORES EAST LP            | WALMART #1719        | 21400 PERRY ST         | Mi 49307 |
| 06           | TRIGGER TIME OUTFITTERS LLC        | NULL                 | 14514 220TH AVE        | Mi 49307 |
| 01           | BLOOMQUIST, JOHN C                 | JOHNS GUNS           | 15955 BELMONT ST       | Mi 49307 |
| 01           | MOORE, THOMAS GORDON               | GUNS                 | 19180 12 MILE          | Mi 49307 |
| 01           | STATE STREET HARDWARE INCORPORATED | NULL                 | 614 NORTH STATE STREET | Mi 49307 |



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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Zoning for New Economy-Type Businesses  
DATE: 11 April 2019

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### **Introduction**

The City of Big Rapids is working toward certification through the MEDC Redevelopment Ready Communities program. We are working down a checklist to accomplish the necessary items to achieve certification. One of the recommended actions in the Big Rapids Report of Findings, is the following:

“Consider adding zoning provisions to allow new economy-type uses, including: film/recording studios, live-work spaces, indoor recreation areas, breweries, distilleries, and/or arts and crafts studios.”

Another list of New Economy-Type Businesses, from an MEDC RRC Best Practices handbook provides examples of “new economy-type businesses” as “mixture of commerce, sales, trade, medical research, film industry, indoor recreation, IT or office, heavy arts, breweries, distilleries, alternative energy, catering services, arts and crafts studios, etc.”.

### **Recommendation**

Based on conversation from the February and March Planning Commission meetings, staff prepared the following business types, definitions, and recommendations on which districts might permit these uses for amendments to the Zoning Ordinance:

#### **Arts and Crafts Studios**

Definition: A building used for the production, display, and sale of works of arts and crafts. Such an establishment must be open to the public, either by appointment and/or on a periodic open studio basis. In addition, Arts and Crafts Studios may engage in incidental sales of goods made on site.

Permitted: C-2, C-3, and Industrial Districts

#### **Catering Services**

Definition: Facility for preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

Permitted: C-2, C-3, and Industrial Districts

#### **Indoor Recreation Areas**

Definition: An establishment which provides indoor exercise and/or indoor court and field sports facilities, and which may include spectator seating in conjunction with the sports facilities such as skating rinks, swimming pools, indoor golf facilities, pool or billiard halls, and bowling alleys. Auditoriums and stadiums are not included.

Permitted: C-1, C-2, C-3, and Industrial Districts

### **Microbreweries and Brewpubs, Craft Distilleries, and Small Wineries**

Definition: Microbreweries are breweries that produce less than 20,000 barrels of ale/beer per year for on-site consumption, take-out and distribution to wholesalers and/or restaurants, taverns, and retail stores, and is open to the general public for sales and tours. Brewpubs are licensed facilities that manufacture and sell at that licensed premises not more than 2,000 barrels of beer/ale per year for consumption on that premises only. Craft Distilleries are licensed facilities that manufacture and sell at that licensed premises spirits pursuant and subject to the requirements for a Michigan Small Distiller License. Small Wineries are licensed facilities that manufacture and sell at that licensed premises wine pursuant and subject to the requirements established by the State of Michigan for a small wine maker.

Permitted: C-2, C-3 and Industrial Districts

### **Scientific, Engineering, and Medical Research and Development Laboratories**

Definition: Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial, or scientific products or commodities for sale, but excludes uses that may be objectionable as determined by the Zoning Administrator, by reason of production of offensive odor, dust, noise, vibration, or storage of or risk associated with hazardous materials. Uses include biotechnology firms, metallurgy, optical, pharmaceutical and X-ray research, data processing, and non-toxic computer component manufacturers.

Permitted: Industrial District

### **Feedback from Downtown Business Organizations**

At the request of the Planning Commission from the March 2019 meeting, staff presented the potential zoning changes to the local downtown business organizations for their insight regarding the uses that would be included in the C-2 District. These meeting were the Downtown Business Association (DBA)'s Executive Board meeting and General meeting and the Downtown Development Authority (DDA) Board meeting. They were in favor of the changes. The DDA passed a motion of support for the proposed amendments.

Specific comments are included below:

- “We’d be lucky to get any of these businesses.”
- “These are the types of businesses we’re always saying we want downtown.”
- “These types of businesses fit the vibe we’re going for in the downtown, according to our “Building Committee” from 2018.

The one critical piece of feedback was: “Catering doesn’t bring a lot of business or foot traffic to the downtown, it just takes up space. Maybe catering doesn’t fit in the downtown.”

### **Action**

Make decisions about which uses to allow and in which districts, to give staff direction to prepare amendments the Zoning Ordinance, which will be brought at the April meeting.

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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Zoning for Recreational Marihuana  
DATE: 11 April 2019

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### **Introduction**

The Michigan Regulation and Taxation of Marihuana Act (MRTMA) passed in the November 2018 election. It was approved by City of Big Rapids voters by a ratio of approximately 2-1. The City Commission must make a decision on whether or not to “opt out” of permitting marihuana facilities in the City. The City Commission has requested that staff and the Planning Commission prepare zoning regulations for potential local marihuana establishments.

### **Zoning for Recreational Marihuana**

*N.B. Much of this information comes from resources provided by the Michigan Municipal League.*

Three State of Michigan laws are currently in place to regulate marihuana businesses. These are the Michigan Medical Marihuana Act (MMMA) which establishes the patient/caregiver model, the Medical Marihuana Facilities Licensing Act (MMFLA), by which medical facilities are licensed by the State and located in municipalities that opt in, and the Michigan Regulation and Taxation of Marihuana Act (MRTMA) which permits recreational marihuana businesses to be licensed by the State and located in municipalities that do not opt out.

The three marihuana laws in the State of Michigan each say different things regarding the ability of local municipalities to zone these businesses.

|       |   |
|-------|---|
| MMFLA | Municipalities specifically authorized to zone, but growers limited to industrial, agricultural, or unzoned areas.  |
| MMMA  | Municipalities may not limit caregiver operations to residential districts as a “home occupation” <i>Deruiter v Byron Twp.</i> (July 2018) and <i>Ypsilanti Twp. v Pontius</i> (Oct. 2018).   |
| MRTMA | Municipal regulation limited to: a) reasonable sign restrictions; b) time, place and manner of operation of marihuana establishments and the production, manufacture, sale and display of marihuana accessories; and c) authorizing sale of marihuana for consumption in designated areas or at special events. |

Types of licenses also vary by the different laws. See the chart below for the classes and grower limits organized by law.



| Grower Limits                          |  |   |  |
|--|--|---|--|
| Class A                                | 500 plant limit  | Not addressed   | 100 plant limit (limited to Michigan residents for first two years)  |
| Class B                                | 1000 plant limit   | Not addressed   | 500 plant limit  |
| Class C                                | 1500 plant limit; stackable  | Not addressed   | 2000 plant limit; not clear if stackable   |
| Microbusiness                          | Not addressed  | Not addressed   | 150 plant limit (limited to Michigan residents for first two years)  |
| Secure Transporter                     | Required to move marihuana between licensed facilities; may move money | Not addressed   | No specific requirement to use; no authority to transport money  |
| Compliance with Marihuana Tracking Act | Required   | Not addressed   | No reference or requirement  |
| Plant Resin Separation                 | Not addressed  | Butane extraction prohibited in a public place, motor vehicle, or inside a residence or within curtilage of a residential structure or in a reckless manner | Butane extraction or another method that utilizes a substance with a flashpoint below 100° F prohibited in a public place, motor vehicle, or within curtilage of any residential structure |

### **Example Ordinances**

Attached are examples from Zoning Ordinance from other municipalities which currently permit marihuana businesses: Glenwood Springs, CO and Mount Pleasant, MI.

### **Action**

Think about the MRTMA and where different types of establishments should be permitted in our Zoning Districts. Be prepared to participate a robust conversation and give staff direction for further research and analysis. This conversation is expected to continue into later months/meetings.

- iii. Description of location of fire extinguishers and emergency egress; and
  - iv. Any other information deemed necessary by the Director or Building Official to ensure the public's health and safety.
- 4. All advertising of a short-term rental, including advertising on website vacation booking sites, shall display the City of Glenwood Springs short-term rental permit number and business license number.
- f. *Permit Procedures.*
  - 1. *Limitation to Either Short-Term Rental or Accessory Tourist Rental.* A property owner may not be issued both a short-term rental permit and an accessory tourist rental permit on the same property at the same time; however, should an owner wish to change the use of a permitted short-term rental permit, he or she may do so by filing an application for an accessory tourist rental permit in accordance with Subsection 070.030.030(e)(7). Upon issuance of a new accessory tourist rental permit, the pre-existing short-term rental permit is automatically revoked.
  - 2. *Application Requirements.* The owner shall submit the application on the form provided by the Director and shall pay the application fee set by City Council resolution.
  - 3. *Issuance of Permit.* All short-term rental uses shall require a permit from the Director. Such permit shall only be issued after the short-term rental application has been approved in accordance with the Municipal Code. The short-term rental permit shall specify any terms and conditions of the permit. All permits shall be issued to the owner of the property. A change in ownership shall necessitate the issuance of a new permit. Permits shall be issued for a period of two (2) years and shall expire at the end of odd numbered years.
  - 4. *Revocation of Permit.* A short-term rental permit may be revoked at any time by the Director should it be determined that the use is not being operated in compliance with this Section or any other section of the Municipal Code.

(10) *Medical Marijuana Business.*

- a. *Purpose.* The City Council intends to regulate the use, acquisition, production, and distribution of medical marijuana in a manner consistent with Article XVIII, Section 14 of the Colorado Constitution, Article 43.3 of Title 12 Colorado Revised Statutes and any other applicable laws and regulations of the state. Nothing within this article is intended to promote or condone the production, use, sale, or distribution of medical marijuana other than in compliance with applicable state law.
- b. *License Required.* Medical marijuana businesses shall comply with the City Code Article 050.080.
- c. *Location of a Licensed Business.* Medical marijuana businesses shall be located in areas of the City only as allowed in the City Code. No medical marijuana business shall be located:
  - 1. Within five hundred (500) feet of any existing public or private school facility where classes are held for children aged kindergarten through the 12th grade. The distance shall be computed by a straight line measurement from the nearest property line of the school property to the nearest property line of the site housing the medical marijuana business; or
  - 2. Within nine hundred (900) feet of another medical marijuana business or any retail marijuana establishment. A medical marijuana business may locate on the same licensed premises as a retail marijuana establishment of the same class and same ownership, only if the licensed premises is located to meet the distance requirements from other medical marijuana businesses and retail marijuana establishments. This distance shall be computed by a straight line measurement between property lines of the sites housing the two (2) facilities.
  - 3. In any zoning district not specifically allowed by the City Code.
- d. *Requirements Related to Operation of a Medical Marijuana Business.*
  - 1. Medical marijuana businesses shall meet all operational criteria for the procurement, dispensing, labeling, sanitation, security, and any other criteria as required by the state pursuant to the Colorado



Medical Marijuana Code and the City Code Article 050.080.

2. In addition, all medical marijuana businesses shall comply with the following local restrictions:
  - i. Medical marijuana businesses shall limit their hours of operation to between 8:00 a.m. and 7:00 p.m. Monday through Sunday or as otherwise limited by state law;
  - ii. Medical marijuana businesses shall apply for a sign permit through the Community Development Department. All exterior signage associated with a medical marijuana business will meet the standards established in the Colorado Medical Marijuana Code and in the City Code. In addition, no sign associated with a medical marijuana business shall use the word "marijuana," "cannabis," or any other word or phrase commonly understood to refer to marijuana or a graphic/image of any portion of a marijuana plant, or paraphernalia associated with medicinal marijuana use unless immediately preceded by the word "medical" or the message of such sign includes the words "for medical use" or "for medicinal purposes" in letters that are no smaller than the largest letter on the sign; and
  - iii. Marijuana plants, products, accessories, and associated paraphernalia contained in a medical marijuana facility shall not be visible from a public sidewalk, public street or right-of-way, or any other public place.
  - iv. No discernible odor shall be projected beyond the exterior walls of the licensed premises.

(11) *Retail Marijuana Establishment.*

- a. *Purpose.* The City Council intends to allow state-licensed retail marijuana establishments to exist in Glenwood Springs in accordance with Article XVIII, Section 16 of the Colorado Constitution, Article 43.4 of Title 12 Colorado Revised Statutes, and any other applicable state laws and regulations as well as the additional local licensing requirements and other restrictions set forth in the Glenwood Springs Municipal Code. Nothing within this Article is intended to promote or condone the production, use, sale, testing or distribution of marijuana other than in compliance with applicable state law.
- b. *License Required.* Retail marijuana establishments shall comply with City Code Article 050.090.
- c. *Location of Licensed Establishment.* Retail marijuana establishments shall be located only in areas of the City as allowed in the City Code. No retail marijuana establishment shall be located:
  1. Within five hundred (500) feet of any existing public or private school facility where classes are held for children aged kindergarten through the 12th grade. The distance shall be computed by a straight line measurement from the nearest property line of the school property to the nearest property line of the site housing the retail marijuana establishment;
  2. Within nine hundred (900) feet of another retail marijuana establishment or a medical marijuana business. A retail marijuana establishment may locate on the same licensed premises as a medical marijuana business of the same class and same ownership, only if the licensed premises is located to meet the distance requirements from other retail marijuana establishments and medical marijuana businesses. This distance shall be computed by a straight line measurement between property lines of the sites housing the two (2) facilities; and
  3. In any zoning district not specifically permitted by the City Code.
- d. *Requirements Related to Operation of a Retail Marijuana Establishment.*
  1. Retail marijuana establishments shall meet all operational criteria for the procurement, display, dispensing, labeling, sanitation, security, and any other criteria as required by the state pursuant to the CRMC and the City Code Article 050.090.
  2. In addition, all retail marijuana establishments shall comply with the following local restrictions:
    - i. Hours of operation shall be limited to between 8:00 a.m. and 7:00 p.m. Monday through Sunday; and
    - ii. A sign permit shall be obtained through the Community Development Department. All exterior

signage associated with a retail marijuana establishment will meet the standards established in the CRMC and in the City Code.

- iii. Storage of retail marijuana shall be considered an accessory use. Not more than twenty-five (25) percent of the licensed premises of a retail marijuana business shall be used for such purposes.
- iv. No discernible odor shall be projected beyond the exterior walls of the licensed premises.

(12) *Bank or Financial Institution.*

- a. In the M1, CO, RE, I1, I2, and IN districts, drive-through services require a special use permit.
- b. In the M2 district, drive-through services are prohibited.

(13) *Personal Service, General.*

- a. In the M1, CO, RE, I1, I2, and IN districts, drive-through services require a special use permit.
- b. In the M2 district, drive-through services are prohibited.

(14) *Recreational Vehicle Park.*

- a. *Dimensional Standards.*

| Table 030.2: RV Park Dimensional Standards  |                                  |
|---|----------------------------------|
| Maximum density   | 15 RV spaces per acre            |
| Minimum RV space size   | 1,500 square feet                |
| Minimum setback from RV to residential zoning district                              | 50 feet                          |
| Minimum RV setbacks (to any accessory structure or to another RV space):            |                                  |
| Front   | 20 feet                          |
| Side  | 10 feet                          |
| Rear  | 15 feet                          |
| Minimum distance between RVs and accessory structures                               | 10 feet                          |
| Minimum setback from access road and internal drives to RVs or accessory structures | 5 feet                           |
| Maximum height of accessory structures  | Lesser of two stories or 27 feet |

- b. *Laundry Drying and Outdoor Storage Yards.* Laundry drying yards and outdoor storage yards shall be screened from view by an opaque hedge, wall, or fence not less than six (6) feet in height.

c. *Driveways and Access.*

- 1. Each recreational vehicle space shall front upon a common driveway of not less than twenty-four (24) feet in width which shall be lighted, paved, and maintained in a dust-proof condition. All entry driveways to the recreational vehicle park shall have clear and unobstructed access to a public street, and shall be

(f) *Industrial Uses.*(1) *Brewery or Bottling Plant.*

- a. In the M1, M2, M3, and RE districts, production, processing, and storage of all materials and equipment shall be located entirely within an enclosed building.
- b. Loading and unloading of the manufactured products shall not occur between the hours of 9:00 p.m. and 8:00 a.m.

(2) *Fabrication, Manufacturing, and Testing Facility.*

- a. This use shall not include the testing of marijuana products.
- b. In the M1, M2, M3, and RE districts, fabrication, manufacturing, and testing facilities shall be limited to no more than ten thousand (10,000) gross building square footage and shall occur entirely within an enclosed building.
- c. Except in the I2 district, loading and unloading of production material and manufactured products shall not occur between the hours of 9:00 p.m. and 8:00 a.m.

(3) *Marijuana Cultivation.* No marijuana cultivation facility shall be located:

- a. Within five hundred (500) feet of any existing public or private school facility where classes are held for children aged kindergarten through the 12th grade. This distance shall be computed by a straight line measurement from the nearest property line of the school property to the nearest property line of the site housing the marijuana cultivation facility; or
- b. Within nine hundred (900) feet of another marijuana cultivation facility, medical marijuana business, or retail marijuana establishment. This distance shall be computed by a straight line measurement between property lines of the sites housing the two (2) facilities.
- c. No discernible odor shall be projected beyond the exterior walls of the licensed premises.

(4) *Mini-Warehouse or Storage.*

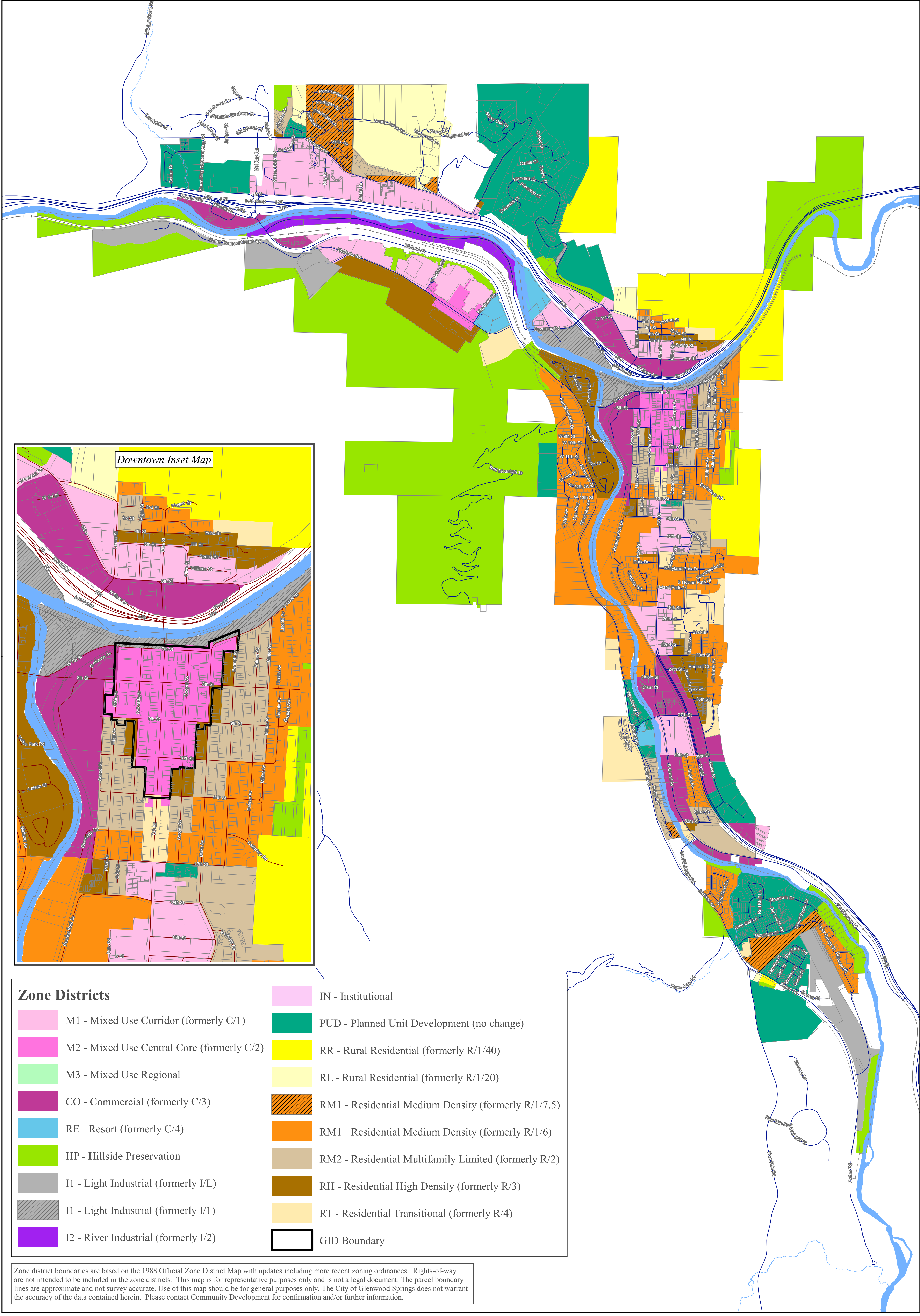
- a. *Design.*
  1. Doors to individual storage units shall not face any abutting street frontage.
  2. One-story buildings shall be a maximum of fifteen (15) feet in height.
- b. *Other Activities.* No other residential or nonresidential activities shall take place on the premises other than the rental of storage units.
- c. *Outdoor Storage.* Outdoor storage shall not be permitted other than for boats, trailers, or vehicles, which shall be stored in screened areas. Screening for such areas shall comply with Subsection 070.040.050(f).

(g) *Wireless Communication Facilities.*

- (1) *Purpose.* In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the Glenwood Springs City Council finds that these regulations are necessary to:
  - a. Provide for the managed development and installation, maintenance, modification, and removal of wireless communications infrastructure in the City with the goal of having the fewest number of wireless communication facilities ("WCF") required to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services including all of those who install, maintain, operate, and remove WCFs;
  - b. Promote and protect the public health, safety, and welfare by reducing the visibility of WCFs to the fullest extent possible through techniques including but not limited to camouflage design techniques and undergrounding of WCFs and the equipment associated therewith;
  - c. Develop smaller, less intrusive WCFs to supplement existing larger WCFs;
  - d. Utilize wall mounted panel antennas;
  - e. Construct roof mounted antennas only when wall mounted antennas will not provide adequate service or are not otherwise feasible;

| Table 030.1: Table of Allowed Uses |   |                                 |    |     |     |    |    |    |    |    |    |                        |    |    |    |    |                                     |                          |  |
|------------------------------------|---|---------------------------------|----|-----|-----|----|----|----|----|----|----|------------------------|----|----|----|----|-------------------------------------|--------------------------|--|
| P = permitted by right             |   | S = special use permit required |    |     |     |    |    |    |    |    |    | Blank = use prohibited |    |    |    |    |                                     |                          |  |
|                                    | Districts →   | RR                              | RL | RM1 | RM2 | RH | RT | M1 | M2 | M3 | CO | RE                     | I1 | I2 | IN | HP | Use-Specific Standards              | Required Minimum Parking |  |
| Use Category                       | Use Type  |                                 |    |     |     |    |    |    |    |    |    |                        |    |    |    |    |                                     |                          |  |
| Marijuana Establishments           | Medical marijuana business, excluding cultivation     |                                 |    |     |     |    |    | S  | S  | S  | S  |                        |    | S  |    |    | <a href="#">.070.030.030(e)(10)</a> | 1 per 300 square feet    |  |
|                                    | Retail marijuana establishment, excluding cultivation |                                 |    |     |     |    |    | S  | S  |    | S  |                        |    | S  |    |    | <a href="#">.070.030.030(e)(11)</a> | 1 per 300 square feet    |  |





**Zone Districts**

- |  |  |
|--|--|
| M1 - Mixed Use Corridor (formerly C/1)     | IN - Institutional                                   |
| M2 - Mixed Use Central Core (formerly C/2) | PUD - Planned Unit Development (no change)           |
| M3 - Mixed Use Regional                    | RR - Rural Residential (formerly R/1/40)             |
| CO - Commercial (formerly C/3)             | RL - Rural Residential (formerly R/1/20)             |
| RE - Resort (formerly C/4)                 | RM1 - Residential Medium Density (formerly R/1/7.5)  |
| HP - Hillside Preservation                 | RM1 - Residential Medium Density (formerly R/1/6)    |
| I1 - Light Industrial (formerly I/L)       | RM2 - Residential Multifamily Limited (formerly R/2) |
| I1 - Light Industrial (formerly I/1)       | RH - Residential High Density (formerly R/3)         |
| I2 - River Industrial (formerly I/2)       | RT - Residential Transitional (formerly R/4)         |
|  | GID Boundary   |

Zone district boundaries are based on the 1988 Official Zone District Map with updates including more recent zoning ordinances. Rights-of-way are not intended to be included in the zone districts. This map is for representative purposes only and is not a legal document. The parcel boundary lines are approximate and not survey accurate. Use of this map should be for general purposes only. The City of Glenwood Springs does not warrant the accuracy of the data contained herein. Please contact Community Development for confirmation and/or further information.



# City of Glenwood Springs

## Transitional Zone Map

Effective  
January 27, 2019

0 1,000 2,000 3,000 4,000

Feet



This map was produced by the Community Development Department. Use of this map should be for general purposes only. The City of Glenwood Springs does not warrant the accuracy of the data contained herein. Map is based on best available data as of February, 2019.  
V:\Comm Dev\GIS\Zoning\ZoningMap\_012719.mxd  
Phone - 970.384.6427 <http://www.cogs.us/> Layout: THyatt



# MOUNT PLEASANT, MICHIGAN ZONING ORDINANCES

## ARTICLE IV: BUILDING AND LOT PLANS & STANDARDS

trap(s), ceilings, exterior and interior walls and floors. The certified plans shall state what type and caliber of ammunition the range is designed to totally confine.

- iii. No ammunition shall be used in the range that exceeds the certified design and construction specifications of the gun range.
  - iv. The range shall have a clear and concise safety plan filed with the special use permit application.
  - v. No range shall sell or dispense alcoholic beverages, nor shall they be in a building which contains a business that sells or dispenses alcoholic beverages. Alcoholic beverages are not allowed on the premises of the range at any time.
  - vi. The range shall conform with all Federal, State and Local requirements related to the use, sale, rental, and transport of firearms.
- p. Medical marijuana facilities must comply with the following regulations. All terms defined in section 112.01 have the same meaning when used in this subsection:
- i. Facilities must comply with the MMMFLA and the MMMFLA rules.
  - ii. Co-located marijuana facilities and stacked grower licenses may be permitted, subject to the regulations of this section and any applicable rules promulgated by LARA.
  - iii. Facilities shall be sufficiently setback from property lines or screened or buffered with a fence, wall, or landscape screen to minimize light spillage, odor, and noise (including noise associated with truck traffic or other machinery), affecting adjacent properties.
  - iv. Special use applicants must provide a plan for the storage and disposal of marijuana or chemicals associated with marijuana cultivation, so as to minimize the risk of theft or harm resulting from chemical exposure.
  - v. No marijuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marijuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.
  - vi. Signage for marijuana facilities will be approved pursuant to the generally applicable procedures

and standards provided in section 154.414, with the additional restriction that facility signage may not depict marijuana, marijuana-infused products, or marijuana-related paraphernalia.

- vii. Medical marijuana facilities must control and eliminate odor as follows:
  - I. The building must be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system.
  - II. The filtration system must consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. At a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
  - III. The air scrubbing and filtration system must be maintained in working order and must be in use at all times. The filters must be changed per manufacturers' recommendation to ensure optimal performance.
  - IV. Negative air pressure must be maintained inside the building.
  - V. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
  - VI. An alternative odor control system is permitted if the special use applicant submits a report by a mechanical engineer licensed in the state of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required.
- viii. The following minimum-distancing regulations apply to all medical marijuana facilities:
  - I. A facility may not be located within 1,000

feet of a public or private K-12 school.

- II. A facility generally may not be located within 500 feet of the SD-U University Special District, unless the facility is located to the east of the Central Michigan University main campus, east of Mission Street.
  - III. The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of land used for the purposes stated in this subsection to the nearest property line of the parcel used as a medical marihuana facility.
- ix. Facility types in the city are limited as follows:
- I. Not more than 5 growers operating under Class A licenses;
  - II. Not more than 3 growers operating under Class B or Class C licenses
  - III. Not more than 3 provisioning centers;
  - IV. No limit on the number of processors;
  - V. No limit on the number of secure transporters;
  - VI. No limit on the number of safety compliance facilities.
- x. For provisioning centers:
- I. Provisioning centers may not be open to customers between the hours of 9:00 p.m. and 9:00 a.m.
  - II. Provisioning centers may not receive deliveries between the hours of 8:00 p.m. and 7:00 a.m.
  - III. Provisioning centers in commercial (as opposed to industrial) character districts must be located within the boundaries of the city's Mission-Pickard Downtown Development District or Central Business Tax Increment Financing Authority District. Provisioning centers would be incompatible with the portions of the commercial character districts outside these designated areas.
  - IV. Provisioning centers are allowed in industrial districts only if the facility is co-located with a grower or processor.
- V. The exterior appearance of a provisioning center must be compatible with surrounding businesses with respect to façade type, ground floor opacity, size and placement of signage, site layout, etc.
- VI. The interior of the facility must be arranged in a way such that neither marihuana nor marihuana-infused products are visible from the exterior of the facility.
- xi. For growers:
- I. Cultivation must occur within an enclosed building with exterior facades consisting of opaque materials typical of an industrial or commercial building. The roof of the building may be constructed of a rigid transparent or translucent material designed to let in light, such as glass or rigid polycarbonate or fiberglass panels. Films or other non-rigid materials cannot be used to construct any component of the building's exterior structure.
  - II. Cultivation must be conducted in a manner to minimize adverse impacts on the city's sanitary sewer. The city's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.
  - III. For each zoning lot, no more than 3 stacked grower licenses may be in operation.
- xii. Notwithstanding any other provision to the contrary, penalties for violations of this subsection p shall be as follows:
- I. If at any time an authorized facility violates this subsection p, any condition imposed through a special use permit, or any other applicable city ordinance, the City Commission may request that LARA revoke or refrain from renewing the facility's state operating license.
  - II. It is unlawful to disobey, neglect, or refuse to comply with any provision of this subsection p or any condition of a special use permit issued pursuant to this subsection. A violation is a municipal civil infraction. Each day the violation continues shall be a separate offense, subject to the



# MOUNT PLEASANT, MICHIGAN ZONING ORDINANCES

## ARTICLE IV: BUILDING AND LOT PLANS & STANDARDS

following fines:

First violation = \$500

Second offense = \$2,500

Each subsequent offense = \$5,000

III. The foregoing sanctions are in addition to the city's right to seek other appropriate and proper remedies, including actions in law or equity.

q. Motels must comply with the following:

- i. Each unit shall contain at least 250 square feet of floor area.
- ii. The maximum stay for any occupant of a Motel shall be 14 consecutive days and not more than 30 days in one year.

r. New and used vehicle dealer with showrooms, sales or leasing offices must comply with the following:

- i. Any outdoor sales space or repair facilities shall be provided with a paved, asphaltic or Portland cement binder pavement or other medium approved by the Planning Commission so as to provide a durable, and dustless surface and shall be graded and drained as to dispose of all surface water that may accumulate within the area.
- ii. A Streetscreen shall separate the outdoor display area of vehicles and the public right-of-way.
- iii. Access to the outdoor sales area shall be at least 40 feet from any intersection of two streets.
- iv. Servicing of vehicles and major motor repair and refinishing shall be subject to the following requirements:
  - I. It shall be subordinate and customarily clearly incidental to the sale of vehicles as a Principal Use and shall occur within an enclosed Building.
  - II. Any partially dismantled or damaged vehicles shall be stored within an enclosed Building.
  - III. Any new, used or discarded parts and supplies shall be stored within an enclosed Building.
  - IV. Uses which emit odors, dust, gases, noise, or vibrations beyond the Building or which

are potentially harmful to an Adjacent Use or the public are prohibited.

s. Registered Student Organization Dwellings must comply with the following:

- i. Access shall be so located that traffic does not conflict with Adjacent Residential Uses.
- ii. The Lot shall not be Adjacent to, have a common Lot Line with, or be located across a local street or Alley from a Lot in CD-3L or CD-3.
- iii. No Registered Student Organization Dwelling may have with more than 12 occupants per Dwelling Unit.
- iv. Registered Student Organization Dwellings are only permitted in a House building type.
- v. Registered Student Organization Dwellings shall have a minimum of 900 square feet of land area and 300 square feet of Building area per occupant.

t. Rooming Dwelling, Rooming Dwelling House, Boarding Dwelling, Boarding Dwelling House, or tourist house must comply with the following:

- i. Access shall be so located that traffic does not conflict with Adjacent Residential Uses.
- ii. The Lot shall not have a common Side Lot Line with a Lot in CD-3L or CD-3.
- iii. No Rooming Dwelling House or Boarding Dwelling House with a common Lot Line or across an Alley or local street from a property in CD-3L or CD-3 may have more than four occupants per Dwelling Unit. For all other Rooming Dwelling Houses and Boarding Dwelling Houses, there shall be no more than six occupants per Dwelling Unit.

iv. Rooming Dwellings shall have a minimum of 900 square feet of land area and 300 square feet of Building area per occupant.

u. Service stations for the sale of gasoline, oil and minor accessories only, and where no repair work is done, other than incidental service, but not including steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work, and such other activities whose external effects could adversely extend beyond the property line, must comply with the following:

**TABLE 154.410.A BUILDING AND LOT PRINCIPAL USE**

**LEGEND**

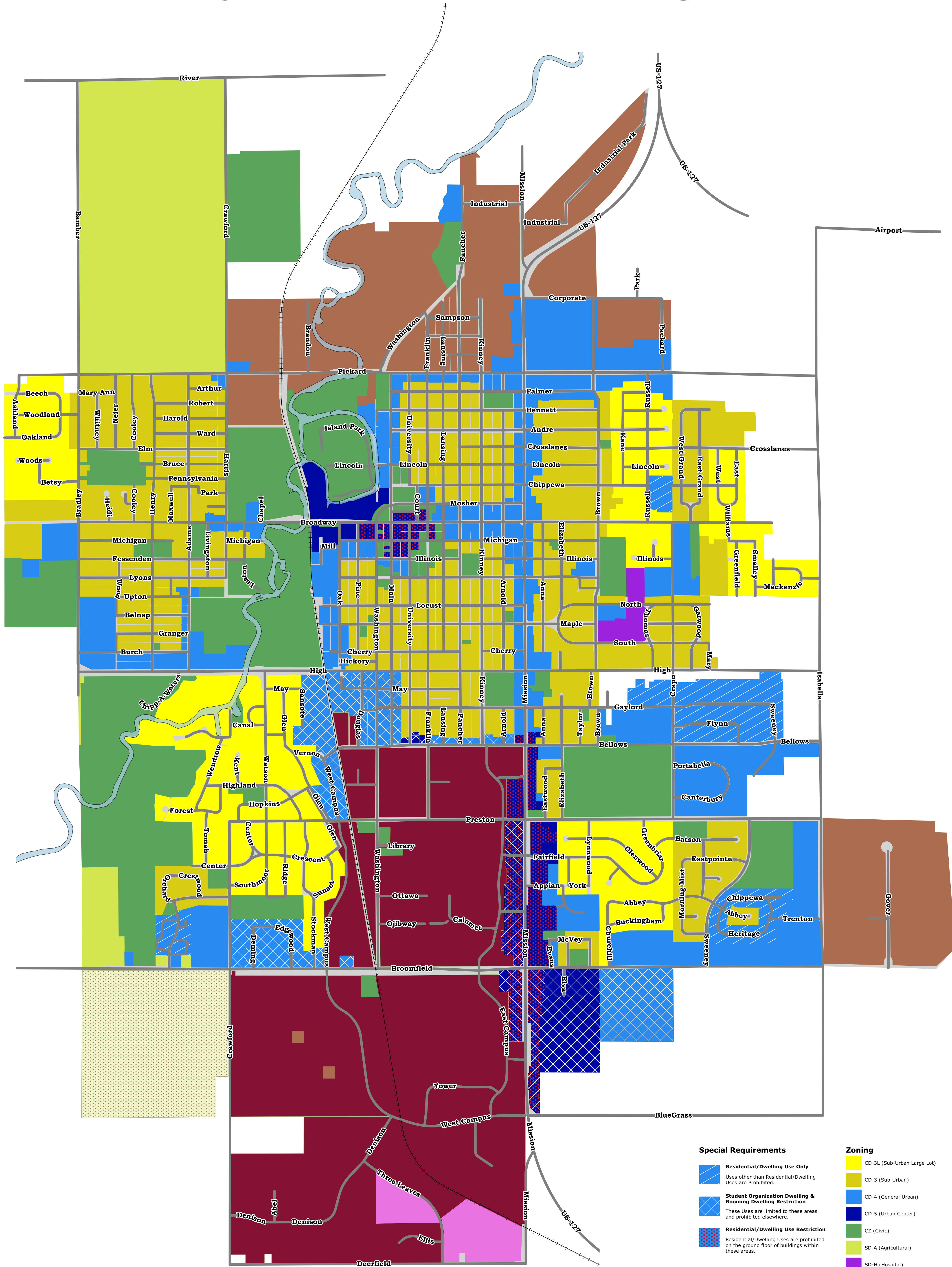
The following notations are utilized in this table.

|     |                                   |
|-----|-----------------------------------|
| P   | Permitted as of right             |
| SUP | Permitted with Special Use Permit |
| SRU | Special Regulated Use             |

| District  | CD-3L | CD-3 | CD-4 | CD-5 | SD-H | SD-I | SD-RC | SD-A | CZ  |
|---|-------|------|------|------|------|------|-------|------|-----|
| <b>AGRICULTURAL USES:</b>   |       |      |      |      |      |      |       |      |     |
| Raising of commercial crops, not including marihuana  |       |      |      |      |      | P    | P     | P    |     |
| <b>UTILITY USES:</b>  |       |      |      |      |      |      |       |      |     |
| Electrical generating facilities  |       |      |      |      |      | P    |       |      |     |
| Electrical transformer and transmission stations  |       |      |      |      |      | P    |       |      |     |
| Water and sewer facilities including lift stations, pump houses, and similar uses   | P     | P    | P    | P    | P    | P    | P     | P    | P   |
| Water and sewer facilities including water plants, wastewater plants, water towers, and similar uses  |       |      |      |      |      | P    |       |      |     |
| <b>PARKING:</b>   |       |      |      |      |      |      |       |      |     |
| Public parking lot or structure   |       |      |      |      |      |      |       |      | SUP |
| <b>MEDICAL MARIHUANA USES:</b>  |       |      |      |      |      |      |       |      |     |
| Provisioning Center   |       |      | SUP  | SUP  |      | SUP  |       |      |     |
| Processor   |       |      |      |      |      | SUP  |       |      |     |
| Secure transporter  |       |      |      |      |      | SUP  |       |      |     |
| Safety compliance   |       |      |      |      |      | SUP  |       |      |     |
| Grower, Class A   |       |      |      |      |      | SUP  |       |      |     |
| Grower, Class B   |       |      |      |      |      | SUP  |       |      |     |
| Grower, Class C   |       |      |      |      |      | SUP  |       |      |     |
| <b>SPECIAL REGULATED USES:</b>  |       |      |      |      |      |      |       |      |     |
| Adult bookstore   |       |      | SRU  | SRU  |      |      |       |      |     |
| Establishments for the consumption of beer or intoxicating liquor on the premises and having adult entertainment  |       |      | SRU  | SRU  |      |      |       |      |     |
| Any other use which provides goods or services which are distinguished or characterized by their emphasis on matters depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, or which is distinguished or characterized by its emphasis on Specified Sexual Activities or Specified Anatomical Areas, as those terms are identified in this zoning ordinance. |       |      | SRU  | SRU  |      |      |       |      |     |
| Pawnshops   |       |      | SRU  | SRU  |      |      |       |      |     |
| Pool or billiard halls  |       |      | SRU  | SRU  |      |      |       |      |     |
| Liquor stores   |       |      | SRU  | SRU  |      |      |       |      |     |
| Palm readers, psychic readers, horoscope analysis or other professions purporting to predict the future   |       |      | SRU  | SRU  |      |      |       |      |     |



# City of Mt. Pleasant Zoning Map



### Special Requirements

- Residential/Dwelling Use Only**  
Uses other than Residential/Dwelling Uses are Prohibited.
- Student Organization Dwelling & Rooming Dwelling Restriction**  
These Uses are limited to these areas and prohibited elsewhere.
- Residential/Dwelling Use Restriction**  
Residential/Dwelling Uses are prohibited on the ground floor of buildings within these areas.

### Zoning

- CD-3L (Sub-Urban Large Lot)
- CD-3 (Sub-Urban)
- CD-4 (General Urban)
- CD-5 (Urban Center)
- CZ (Civic)
- SD-A (Agricultural)
- SD-H (Hospital)
- SD-I (Industrial)
- SD-RC (Research Center)
- SD-U (University)
- PRD (Planned Resid. Development)



Prepared by the City of MtPleasant  
Engineering Department using available  
records. Current as of 2018-01-23  
Adopted: 2018-01-22

***Planning Commission  
Regular Meeting***

Big Rapids City Hall  
226 N Michigan Avenue

May 15, 2019  
6:30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
  - a. 17 April 2019
5. Public Comment Not Related to Items on the Agenda
6. Public Hearing
  - a. Review of the Conditional Use Permit application for a change of use at 730 Water Tower Road
  - b. Review of the Request to Vacate two alleys on Ferris State University property near the corner of Maple and Howard Streets
  - c. Review of a Text Amendment to the Zoning Ordinance to permit additional business types in the Commercial and Industrial Districts
7. General Business
  - a. Zoning for Marihuana Businesses
  - b. Amending the Planned Unit Development section of the Zoning Ordinance
  - c. Joint Meeting with the City Commission on June 19, 2019
8. Unscheduled Business
9. Adjourn



**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
April 17, 2019**

Chairperson Schmidt called the April 17, 2019, regular meeting of the Planning Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Renato Cerdena, Chris Jane, Rory Ruddick, John Schmidt, Tim Vogel,

**EXCUSED** Bill Yontz

**ABSENT** Paul Jackson

**ALSO PRESENT** Paula Priebe, Neighborhood Services Director  
Cindy Plautz, Neighborhood Services Coordinator

There were 6 people in the audience.

**APPROVAL OF MINUTES**

**Motion was made by Tim Vogel, seconded by Renato Cerdena, to approve the minutes of the March 20, 2019, meeting of the Planning Commission as presented.**

**Motion passed with all in favor.**

**PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA**

None heard.

**PUBLIC HEARINGS**

**Site Plan Review for Construction of an Employee Resource Center at 1315 Hanchett Drive (Big Rapids Products).**

Priebe introduced the site plan review saying that Big Rapids Products intends to add a 3,442 sq. ft. addition of office space onto the existing 6,000 sq. ft. ware house that was previously owned by Acme Propellers. Parking for the site will be provided by the City parking lot located immediately to the east of the property. Big Rapids Products has addressed the ADA requirements for parking and building entry. The plan was reviewed by the Mecosta County Building Inspector, Big Rapids Public Safety and Big Rapids Public Works.

Staff recommends approval of the Site Plan.

**Applicant Statement**

John Chaput, Big Rapids Products President, explained that the addition is for the creation of an Employee Resource Center for their business that is intended to retain talent and employees. It will offer a space to offer meals, a gym and restrooms. They believe it will be a nice improvement for the company and will help retain employees.

**Chairperson Schmidt opened the Public Hearing at 6:35 p.m.**

**Those Who Spoke in Favor:** None heard.

**Those Who Spoke in Opposition:** None heard.

**Written or Telephonic Correspondence Received by Staff:** None

**Applicant Rebuttal:** None

**Chairperson Schmidt closed the Public Hearing at 6:38 p.m. and the Commission entered into Fact Finding.**

The following information was obtained during fact finding:

- The property was acquired by Big Rapids Products in December 2018.
- The addition will be added to the front of the building.
- The property is in the Industrial Zone on a flat piece of property. It will be properly landscaped by a professional company.
- The property will be irrigated.

**MOTION**

**Motion was made by Chris Jane, seconded by Rory Ruddick, to approve the Site Plan Review for construction of a 3,442 sq. ft. addition to serve as an Employee Resource Center for Big Rapids Products, on Parcel # 17-11-400-016, 1314 Hanchett, as it meets all of the Criteria for Review set forth in Section 9.6 of the Zoning Ordinance.**

**Motion passed with Renato Cerdena, Chris Jane, Rory Ruddick, John Schmidt, and Tim Vogel in favor.**

**Conditional Use Permit Application for a Home Occupation at 822 Bjornson Street**

Priebe introduced the request saying that the applicant, Chad Thumser, is applying for a Conditional Use Permit for a Home Occupation at his home at 822 Bjornson Street. He will use

this address for his new business of selling firearms outside of Big Rapids at trade shows, gun shows, etc. He will only store the firearms on the premises – he will not sell out of his home. In order to run this type of business he must obtain a Federal Firearms License. The process of obtaining the license requires the local municipality to grant zoning approval. The applicant has addressed the Standards for Conditional Use found in Section 10.3:8.

Staff recommends approval of the request.

### **Applicant Statement**

Chad Thumser, 822 Bjornson, stated that he is applying to the ATF for a license for his business and he needs an address for the application. He doesn't want people to know that he keeps a number of firearms at his home so will not be selling out of his home or receiving deliveries there. He stated that his yard is fenced, he has dogs and is thinking about installing video cameras. He has addressed each Standard for Conditional Use in his application which is included within the Staff Report.

### **Those Who Spoke in Favor of the Request**

John Urbanick, 813 Bjornson, stated he is not against the request but just wanted some clarification. He asked that if the Conditional Use Permit is approved for this use and if the applicant wanted to change the business, would he have to come back and apply specifically for that new business. The answer is yes, the permit is specific for the business. Urbanick mentioned that there are others who sell firearms in Big Rapids and he wanted to make sure he was not selling from his home. Once he was satisfied that Thumser will not be selling firearms from his home, Urbanick stated that he was in favor of the request.

Priebe added that all those with licenses to sell in the Big Rapids are mapped and are made public information. There are two in the City (Dunhams and State Street Hardware). There are others outside of the City limits that are licensed to sell firearms.

### **Those Who Spoke in Opposition of the Request**

None Heard

### **Telephonic or Written Correspondence Received by Staff**

Priebe stated that those she heard from were present at the Public Hearing.

### **Chairperson Schmidt Closed the Public Hearing at 6:43 p.m. and the Commission entered into Fact Finding**

Vogel referenced Section 3.4:64 of the Zoning Ordinance which states that no more than 25% of the ground floor of a home occupation can be devoted to the business. The applicant stated that he has a 10 X 8 ft. room with gun safes in which he keeps the guns.

## **MOTION**

**Motion was made by Chris Jane, seconded by Renato Cerdena, to recommend to the City Commission, the approval of a Home Occupation at 822 Bjornson for the keeping of firearms to be sold other than from the home. The request meets Standards set forth in Section 10.3:8 of the Zoning Ordinance.**

**Motion passed with Renato Cerdena, Chris Jane, Rory Ruddick, John Schmidt and Tim Vogel in favor.**

## **GENERAL BUSINESS**

### New Economy Business

Priebe stated that as a part of satisfying the requirements for the MEDC Redevelopment Ready Community program, the City is asked to consider adding zoning for new economy-type uses such as film/recording studios, live/work spaces, indoor recreation areas, breweries, distilleries and/or arts and crafts studios. The Planning Commission has been having an ongoing conversation concerning the New Economy Businesses and has narrowed down where some of the businesses could fit within the Zoning Ordinance.

Priebe reviewed the definitions of the businesses presented in her Staff Report with the Commission. She added that she met with the DBA and the DDA and their feedback was positive. One adverse comment was that “catering” doesn’t bring business and foot traffic to the downtown – it would just take up space. Perhaps it doesn’t belong downtown.

The Commission discussed catering and breweries. Some of the restaurants downtown do catering as well, those businesses focused on only catering would be singled out. The restaurants would still be able to provide catering and the Zoning Ordinance would spell that out to make it more clear. The Commission discussed the size of breweries. Vogel thought that 20,000 barrels for a Micro-Brewery sounded like a lot but was not familiar with the business so didn’t have a reference. As a comparison, Founders brews 400,000 barrel a year and would be considered a Craft Distillery. Priebe said she would find out Cranker’s yearly output to use as a comparison for size. Priebe added that not all definitions are included in the Zoning Ordinance. She thought that for the Zoning Ordinance, we would just include the category and not the definition. Schmidt replied that he would like to see the categories defined.



Vogel asked if there were any other categories we should include. Priebe will give it some thought. She stated that it is a City goal to have achieved RRC Certification by this time next year.

Ruddick asked about an establishment that grows and no longer fits the definition of the category. Priebe said if the building space needed to be increased it would be another process or they could go elsewhere within the City.

The Commission is ready to see draft language on adding the New Economy-type Businesses in the Zoning Ordinance. Priebe said she could have it for the May meeting and there would need to be a Public Hearing if a motion is to be made.

### Zoning for Recreation Marihuana

Per her Staff Report, Priebe stated that the City of Big Rapids voted 2-1 to pass the Michigan Regulation and Taxation of Marihuana Act (MRTMA). The City Commission has asked the Planning Commission to prepare zoning regulations for potential local Marihuana establishments so that once they make their decision on whether or not to opt out, the City has zoning recommendations in place. We need to move forward as if the City is going to opt in.

The Medical Marihuana regulations have already been established at the State level but the recreational have not. Priebe believes the City will not opt out, thus allowing Recreational Marihuana. She included samples of other Cities that have included Recreational Marihuana in their Zoning Ordinances. No one is currently licensed in Mecosta County. CBD is sold here – it does not include THC.

Per the samples Priebe provided, Glenwood Springs, CO and Mt. Pleasant, MI currently permit Marihuana businesses. Once the Planning Commission identifies where these types of businesses fit within the Zoning Ordinance, it will come before the Commission for a decision. Mt Pleasant is allowing Medical Marihuana and they limit the number of businesses that can sell it. They have implemented a lottery system to select those able to obtain licenses.

We would need to decide how many businesses to allow and come up with a buffering regulation. Grand Rapids has outlined a process and they buffer 600 ft. from schools, parks, childcare centers and religious organization. Priebe added that if we were to use 1000 ft to buffer, there wouldn't be much area left in Big Rapids to allow sales. Vogel stated that a lot of time was spent on the decision to allow Adult Book Stores in Big Rapids. He wondered if we could piggy back on that ordinance. Section 11.1:1 permits Adult Book Stores in the C-3 as a Conditional Use. Rory asked if we should limit the area to Industrial only. It will be up to the Planning Commission to decide where to allow the businesses and the number of feet to buffer from adjoining zones and uses.

**MOTION**

**Motion was made by Chris Jane, seconded by Tim Vogel to adjourn.  
The meeting was adjourned at 7:34 p.m. with all in favor.**

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary

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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Conditional Use Permit Application – 730 Water Tower Road  
DATE: 09 May 2019

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### **Introduction**

Applicant Lionel Thomas is applying for a Conditional Use Permit for a change of use at 730 Water Tower Road, from an office use to use as a healthcare clinic. The office building was built in 2001 after receiving a Conditional Use Permit to locate in the R-2 district.

This property is located on the west side of the City and is in the R-2 Residential District. See the attached application for a Location Map of the property.

### **Conditional Use Process and Procedure**

The Conditional Use Permit Application was received by the Neighborhood Services Department on 29 April 2019. As no alterations are proposed for the site, no site plan was required of the Applicant.

All Conditional Use Permit Applications require a Public Hearing. Notice was posted in the Big Rapids Pioneer on Wednesday 01 May and sent to all property owners within 300 feet of 730 Water Tower Road. Staff received 1 call from neighbors in advance of the hearing.

### **Standards for this Conditional Use**

Section 10.3:8 of the Zoning Ordinance clearly lays out a series of standards for Conditional Uses, stating as follows:

Standards. No conditional use shall be recommended by the Planning Commission unless such Board shall find:

- (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.
- (2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor shall it substantially diminish and impair property values within its neighborhoods.
- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) That adequate utilities, access roads, drainage and necessary facilities have been or are being provided.

- (5) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
- (6) That the conditional use shall, in all other respects conform to the applicable regulations of the district in which it is located, any specific requirements established for that use in Article 11 and to any additional conditions or procedures as specified in Section 10.4.

Section 3.5:6 (1) of the Zoning Ordinance lists clinics as a Conditional Use, subject to the conditions of Section 11.1:11. This Section states that home occupations may be permitted in the R-1, R-2, and R-3 Residential Districts as a conditional use under the following procedures and conditions:

- (1) The area accommodating any of these uses shall not be less than one (1) acre in area.
- (2) The buildings, including accessory buildings, must be located not less than fifty (50) feet from all property lines.
- (3) The maximum height of all buildings shall be thirty-five (35) feet.
- (4) The development must meet all applicable landscaping standards.
- (5) Off-street parking, loading and unloading shall be provided in accordance with Article 5 of this Ordinance.
- (6) Ingress and egress to the area must be located in such a manner so as to provide maximum safety to the public utilizing this facility and the public streets. Said ingress and egress shall be hard surfaced and property drained.

The Applicant has addressed both of these sets of Standards in his own words in the Conditional Use Permit Application (attached).

Planning Commissioners are encouraged to review the Application against the Standards in Section 10.3:8 to decide if they find it meets or fails to meet them. Commissioners are also encouraged to review the Application against the Clinic in a Residential District standards in Section 11.1:11.

### **Recommendation**

Staff recommends approval of the Conditional Use Permit Application for a healthcare clinic at 730 Water Tower Road, as it meets the Standards set in Section 10.3:8 and Section 11.1:11 of the Zoning Ordinance.



### Action

Three options lay before the Planning Commission regarding Conditional Use Permit Applications: Approval, Denial, or Table. Explanations and sample motions are included below.

### Approval

An approval motion is appropriate when the Application meets the Standards of the Zoning Ordinance and sends the Application to the next step in the process where City Commission has final say in approving or denying the request.

“I move that the Conditional Use Permit Application for a clinic at 730 Water Tower Road be recommended to the City Commission for approval, because it meets the Standards set in Section 10.3:8 and Section 11.1:11 of the Zoning Ordinance. *[If any conditions on approval, list them here.]*”

### Denial

A denial motion is appropriate when the Application fails to meet the Standards of the Zoning Ordinance and ends the application process.

“I move to deny the Conditional Use Permit Application for a clinic at 730 Water Tower Road, because it does not meet Standard 10.3:X of the Zoning Ordinance. *(Fill in the X with which number Standard the application does not meet.)*”

### Table

A Table motion is appropriate when more information is needed before reaching a decision regarding the Application and pauses the process until a later date.

“I move to table a decision on the Conditional Use Permit Application for a clinic at 730 Water Tower Road until the June 19 meeting of the Planning Commission, because *(list your reason for tabling the decision here)*.”



**City of Big Rapids**

**Department of Neighborhood Services  
Application to the Planning Commission for Zoning Request**

Application Date: \_\_\_\_\_

**Applicant Information:**

|  |                             |
|--|-----------------------------|
| <b>Name:</b> Gardner Investment Properties, Lionel Thomas  |                             |
| <b>Address:</b> 13310 South West Bay Shore Drive -Suite A, Traverse City, MI 49684   |                             |
| <b>Phone Number:</b> (231) 932-9140  | <b>Property Zoning:</b> R-2 |
| <b>Request Property Address:</b> 730 Water Tower Road, Big Rapids, MI  |                             |
| <b>Explanation of Request:</b> Change of use of an existing office building/facility to<br>a medical clinic -a use allowed as a Conditional Use. |                             |

Please check one of the following:

☒ Conditional Use Permit, Please include the following information

- N/A per City Staff
1. A legal description of the property.
  2. ☒ Twelve (12) copies of a site plan meeting the requirements of Section 9.4 of the Big Rapid Zoning Ordinance as amended.
  3. A written description of the use.
  4. Address use standards set forth in Section 10.3:8.
  5. \$75.00 Application Fee


☐ Zoning Amendment Review, Please include the following information:

☐ Rezoning

1. A legal description of the property.
2. A written description of reasons for rezoning and proposed new zoning classification.
3. Address the requirements set forth in Section 14.2:4. (posting of notification)
4. A location map.
5. \$75.00 Application Fee

☐ Text or Map Amendment

1. A written description of proposed changes and reasons why.
2. In the case of a text amendment, proposed new text shall be submitted.
3. In the case of a map amendment, proposed new map shall be submitted.
4. Address the requirements set forth in Section 14.2:2.
5. ~~\$75.00~~ Application Fee

  
\_\_\_\_\_  
Signature of applicant or property owner

4-29-2018  
(Date)

Cell# 231-218-4379

*Rec'd  
29 April 2019  
PH*

### Project Address:

730 Water Tower Road  
Big Rapids, MI 49307

### Project Parcel:

Tax ID 54-17-15-300-012-00  
54-17-15-003-003-00  
54-17-15-300-013-00



### Property Owner / Applicant:

Gardner Investment Properties  
13310 South West Bay Shore Drive, Suite A  
Traverse City, MI 49684  
Phone: (231) 932-9140  
Email: [lionel@gardnerip.us](mailto:lionel@gardnerip.us)

### Planning and Engineering Consultant:

Mansfield Land Use Consultants  
Petra Kuehnis, Landscape Architect  
830 Cottageview Drive, Suite 201  
Traverse City, MI 49685  
Phone: (231) 946-9310  
Email: [petrak@maaeps.com](mailto:petrak@maaeps.com)

## Project Size:

2.3 acres net +/-

## Existing Zoning:

R-2 Residential District

## Conditional Uses:

Hospitals, sanatoriums, clinics, nursing and rest homes and charitable insitutuions for human care, subject to the conditions of Section 11.1:11.

## Existing Land Use:

vacant office building

## Proposed Land Use:



**Family  
Health Care**

Family Health Care  
existing locations in Baldwin, Cadillac, Grant, McBain and White Cloud  
[www.familyhealthcare.org](http://www.familyhealthcare.org)

## Schedule of Regulations:

|                       | <b>R-2 zoning</b>  | <b>Special Use</b> | <b>existing facility</b> |
|-----------------------|--|--------------------|--------------------------|
| Minimum Lot Size:     | 7,500sf  | 43,460sf           | 100,188sf +/-            |
| Minimum Lot Width:    | 50ft   | N/A                | 159ft                    |
| Height:               | 3 stories / 40ft   | 35ft               | 1 story                  |
| Front Yard Setback:   | 15ft   | 50ft               | 75+ft                    |
| Side Yard Setback:    | 8ft  | 50ft               | 43ft part of west side   |
| Rear Yard Setback:    | 30ft   | 50ft               | 50+ft                    |
| Maximum Lot Coverage: | 25%  | N/A                | -12%                     |
|                       | <b>Parking</b>   | <b>required</b>    | <b>provided</b>          |
|                       | Clinic   | 20 parking spaces  | 23 spaces                |
|                       | <i>One (1) parking space for each hospital bed plus one and one-half (1.5) spaces per emergency room examination table, plus one (1) space for each medical staff member, plus one (1) space per other employees on the largest shift.</i> |                    |                          |



## Project Description

The existing building is located on a 2.3 acre site at 730 Water Tower Road. The facility was constructed some time before 2005 and has been continuously occupied as an office use. The facility's entrance drive is located along Watch Tower Road. All drive and parking surfaces are paved asphalt. There are 23 parking spaces on site. The parking lot is illuminated with pole mounted lighting. There is a screened dumpster enclosure. Landscaping on site is mature and well maintained.

The new proposed use of the facility is for a medical clinic called Family Health Care. Family Health Care is a community health center offering a variety of health care services since 1967 with existing facilities located in Baldwin, Cadillac, Grant, McBain and White Cloud. A ten (10) person staff will run this facility. [www.familyhealthcare.org](http://www.familyhealthcare.org)

Clinics are allowed as a Conditional Use in the R-2 Residential Zoning District.





## Conditional Use Permits

**10.3:8 Standards.** No conditional use shall be recommended by the Planning Commission unless such Board shall find:

- (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.

*The existing facility was constructed as an office building and has been continuously occupied as such. The proposed medical clinic will operate much the same as previous office uses at the site and will not be detrimental to or endanger the public health, safety or general welfare.*

- (2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor shall it substantially diminish and impair property values within its neighborhoods.

*The proposed medical clinic use is very similar to previous office uses on site. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity nor will it diminish or impair property values within its neighborhoods.*

- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

*The proposed use is not unlike previous uses to have occupied the existing facility, and should have no impact on surrounding properties.*

- (4) That adequate utilities, access roads, drainage and necessary facilities have been or are being provided.

*The proposed medical clinic use will occupy the existing facilities as exists today, no exterior alterations are being proposed. It is anticipated that the proposed medical clinic office use will require a similar amount of utilities as the previous office use. It is anticipated that the access road, parking lot and drainage facilities will continue to function adequately for the proposed office use.*

- (5) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.

*The existing driveway access functions well to service the current office building. No changes in the function of access to the site are anticipated.*

- (6) That the conditional use shall, in all other respects conform to the applicable regulations of the district in which it is located, any specific requirements established for that use in Article 11 and to any additional conditions or procedures as specified in Section 10.4.

*The proposed use conforms with all regulations of the R-2 district. The proposed use conforms with all regulations of Article 11 except 11.1:11(2) which requires buildings be setback 50-feet from all property lines. The northwest corner of the existing building is located 43-feet from the western property line, 7-feet short of the required setback.*

## Use Standards

**Article 11.1:11** Hospitals, sanatoriums, clinics, nursing and rest homes, and institutions for human care may be permitted in any Residential District as a Conditional Use under the following conditions:

- (1) The area accommodating any one of these uses shall not be less than one (1) acre in area.

*The project site measures over 2.3 acres.*

- (2) The buildings, including accessory buildings, must be located not less than fifty (50) feet from all property lines.

*All but a 30-foot length along the project property line conforms with this condition. The northwest corner of the existing building is located 43-feet from the western property line, 7-feet short of the required setback.*

- (3) The maximum height of all buildings shall be thirty-five (35) feet.

*The existing building is a single story and is less than 35-feet high.*

- (4) The development must meet all applicable landscaping standards.

*The existing landscaping on site is mature and well maintained.*

- (5) Off-street parking, loading and unloading shall be provided in accordance with Article 5 of this Ordinance.

*The existing parking area has functioned well for the previous office uses.*

- (6) Ingress and egress to the area must be located in such a manner so as to provide maximum safety to the public utilizing this facility and the public streets. Said ingress and egress shall be hard surfaced and properly drained. (Section 11.1:12 repealed by Ord. 480-6-01, passed 6/4/01)

*The existing driveway access functions well to service the current office building. No changes in the function of access to the site are anticipated. The driveway and parking areas are paved asphalt.*

## Legal Description

### Description as Furnished:

Parcel B: A parcel of land located in the Northwest quarter of the Northeast quarter of the Southwest quarter of Section 15, Town 15 North, Range 10 West, Big Rapids Township, (City of Big Rapids), Mecosta County, Michigan, described as: Commencing at the West quarter corner of said Section 15; thence South 88°35'33" East along the East-West quarter line 1746.80' to the Point of Beginning; thence continuing South 88°35'33" East along the East-West quarter line 102.33'; thence South 00°11'43" West, 171.88'; thence North 88°49'51" West parallel with the center line of Fuller Street 102.33'; thence North 00°11'43" East, 172.31' to the Point of Beginning; except a road right-of-way described as beginning at same Point of Beginning; thence North 00°11'43" East, 25.73'; thence South 88°35'33" East along the East-West quarter line 102.33'; thence South 00°11'43" West, 25.30'; thence North 88°49'51" West parallel with the center line of Fuller Street 102.33' to the Point of Beginning.

Parcel C: A parcel of land located in the Northwest quarter of the Northeast quarter of the Southwest quarter of Section 15, Town 15 North, Range 10 West, Big Rapids Township, (City of Big Rapids), Mecosta County, Michigan, described as: Commencing at the West quarter corner of said Section 15; thence South 88°35'33" East along the East-West quarter line 1644.47' to the Point of Beginning; thence continuing South 88°35'33" East along the East-West quarter line 102.33'; thence South 00°11'43" West, 172.31'; thence North 88°49'51" West parallel with the center line of Fuller Street 102.33'; thence North 00°11'43" East, 172.74' to the Point of Beginning, except a road right-of-way described as beginning at same Point of Beginning; thence North 00°11'43" East 26.16'; thence South 88°35'33" East along the East-West quarter line 102.33'; thence South 00°11'43" West, 25.73'; thence North 88°49'51" West parallel with the center line of Fuller Street 102.33', to the Point of Beginning.

Parcel D: A parcel of land located in the Northwest quarter of the Northeast quarter of the Southwest quarter of Section 15, Town 15 North, Range 10 West, Big Rapids Township, (City of Big Rapids), Mecosta County, Michigan, described as: Commencing at the West quarter corner of said Section 15; thence South 88°35'33" East along the East-West quarter line 1644.47'; thence South 00°11'43" West, 134.00' to the Point of Beginning; thence continuing South 00°11'43" West, 45.58'; thence South 88°49'51" East parallel with the center line of Fuller Street, 337.00'; thence South 00°11'43" West, 150.42'; thence North 88°35'33" West parallel with the East-West quarter line 427.00'; thence North 00°11'43" East, 196.00'; thence South 88°35'33" East, parallel with the East-West quarter line 120.00' to the Point of Beginning.

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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Alley Vacations – Ferris State University, 1020 Maple St  
DATE: 08 May 2019

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### **Introduction**

Applicant Ferris State University has requested that the City vacate two alleys on their property at the corner of Maple and Howard Streets. See the attachments which include a Location Map, Resolution No. 19-56 from the City Commission, and the Request from Ferris State University.

### **Vacating Procedure**

The City's procedure for vacating, discontinuing, or abolishing streets or public grounds is found in the City Code of Ordinances Chapter 36. First, the request is heard by the City Commission. If approved by at least three members, it is referred to the Planning Commission. The Planning Commission holds a public hearing on the proposal and makes a recommendation back to the City Commission. The City Commission hears the proposal a second time and can approve the proposal by ordinance with at least four votes in favor of the vacation.

The request from Ferris State University for the City to vacate two alleys near the corner of Maple and Howard Streets was received by the City Manager on 03 April 2019. The City Commission passed a resolution directing the City Planning Commission to review and consider a request to vacate two alleys on Ferris State University's property at the corner of Maple and Howard Streets at their regular meeting on 15 April 2019.

Per the City Code, the City Clerk posted notice of the Public Hearing in the Big Rapids Pioneer on three separate occasions, once per week for the three weeks prior to the public hearing. Staff received 0 calls from neighbors in advance of the hearing.

Note: vacating a street or alley does not mean the land automatically becomes issue of the adjacent property owner. The property owner must go to Circuit Court for that process.

### **Staff Reviews of the Proposal**

Several departments in the City were consulted regarding the proposal, and their feedback is detailed below:

#### **Public Works**

The two alleys were reviewed. No easements were found in the areas proposed to be vacated. Two water service lines run across the northern alley, each 6 feet below the surface. This is not considered an impediment to vacating the alley.

#### **Public Safety**

Vacating those two alleys should not impact access for Public Safety vehicles to the buildings on the site.

### Assessing

No issues with the proposed alley vacations.

### **Vacation Considerations**

Streets and alleys were created for the benefit of the public and vacating them is likely to affect a segment of the public. The following questions can help guide the consideration process when considering a vacation:

1. Is the land proposed for vacation currently in use?

Land which is presently in use for important functions such as utility lines, streets, walkways, etc., should not be approved for vacation.

2. Is the land proposed for vacation involved in any future plans?

If the land in question is not currently in use but future uses are anticipated, vacation should not be granted.

3. Will the utilization of the abutting property be improved with the addition of the vacated land?

If the addition of the vacated land would enable to property owner to make better or increased use of the property, vacation should be considered favorable.

4. Would the granting of the desired vacation have an adverse effect on the surrounding property owners?

Potential problems for neighboring land resulting from a vacation are grounds for its denial.

5. What type of use is planned for the vacated parcel?

Be certain that any proposed construction on the vacated land adheres to the City's adopted Building Code and meets the requirements in the Zoning Ordinance.

### **Recommendation**

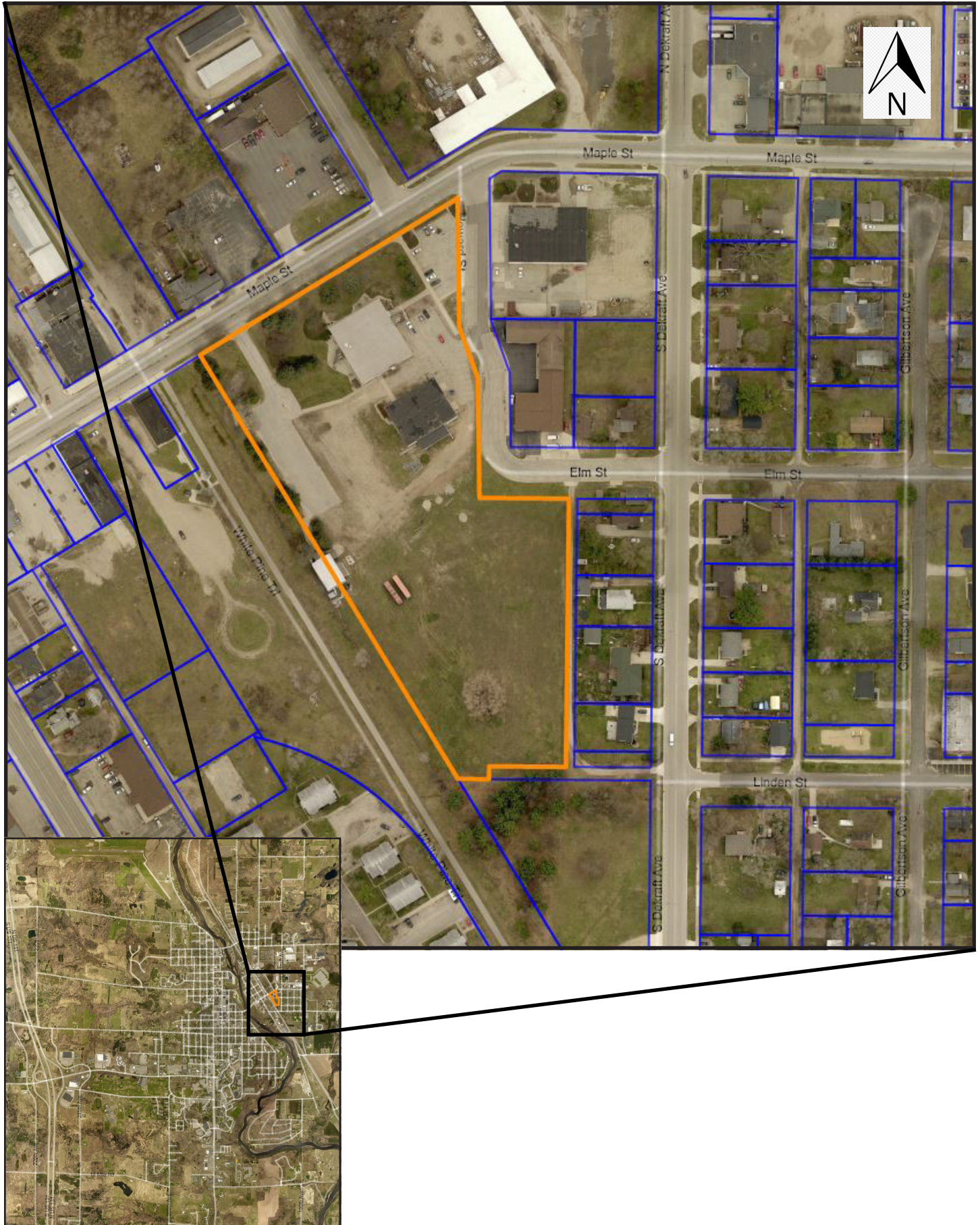
Upon review of the proposal and in recognition of the feedback by the departments, staff recommends approval of the request to vacate two alleys on Ferris State University's property at the corner of Maple and Howard Streets.

### **Action**

Two options lay before the Planning Commission regarding a request to vacate streets and alleys: Recommendation of Approval or Recommendation of Denial.



Alley Vacations – Ferris State University, 1020 Maple St  
**Location Map**



## **RESOLUTION NO. 19-56**

Commissioner Cochran moved, seconded by Commissioner Anderson, the adoption of the following:

### **RESOLUTION DIRECTING CITY PLANNING COMMISSION TO REVIEW AND CONSIDER A REQUEST TO VACATE TWO ALLEYS ON FERRIS STATE UNIVERSITY'S PROPERTY AT THE CORNER OF MAPLE AND HOWARD STREETS**

WHEREAS, the City Commission has received a request to vacate two alleys on Ferris State University's property at the corner of Maple and Howard Streets, and

WHEREAS, the City Commission seeks public input regarding this matter, and

WHEREAS, the City Commission seeks a recommendation from the Planning Commission regarding how granting this request may or may not comply with Section 560.27 of the Michigan Land Division Act (pertaining to improving the health, welfare, comfort, and safety of citizens) and Chapter 36 of the City Code.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby refers said request to the Planning Commission for review and recommendation.

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the resolution adopted.

Dated: April 15, 2019



## PHYSICAL PLANT

April 3, 2019


Mark Gifford  
City Manager  
City of Big Rapids  
226 N. Michigan Avenue  
Big Rapids, MI. 49307

Subject: Request to Vacate Two Alleys – Corner of Maple and Howard Streets

Dear Mark:

I am writing to you to follow up to our on-going conversation regarding the street and alley vacation on FSU property located on the east side of town at the corner of Maple and Howard streets (former site of the Hitachi Company). FSU appreciates the assistance you and your team have provided to date and understands that the last remaining outstanding issues involve the vacating of two alleys. Therefore, per your request I am hereby asking that you assist in having the City Commission take the appropriate action necessary to formally vacate the last remaining items understood to be two alleys as outlined in the graphic (copy attached) you provided me on March 4, 2019.

Please let me know if you have any questions and/or if there is anything additional FSU needs to do in order to complete this process.

Sincerely,  
  
Michael Hughes  
Associate Vice President  
Physical Plant

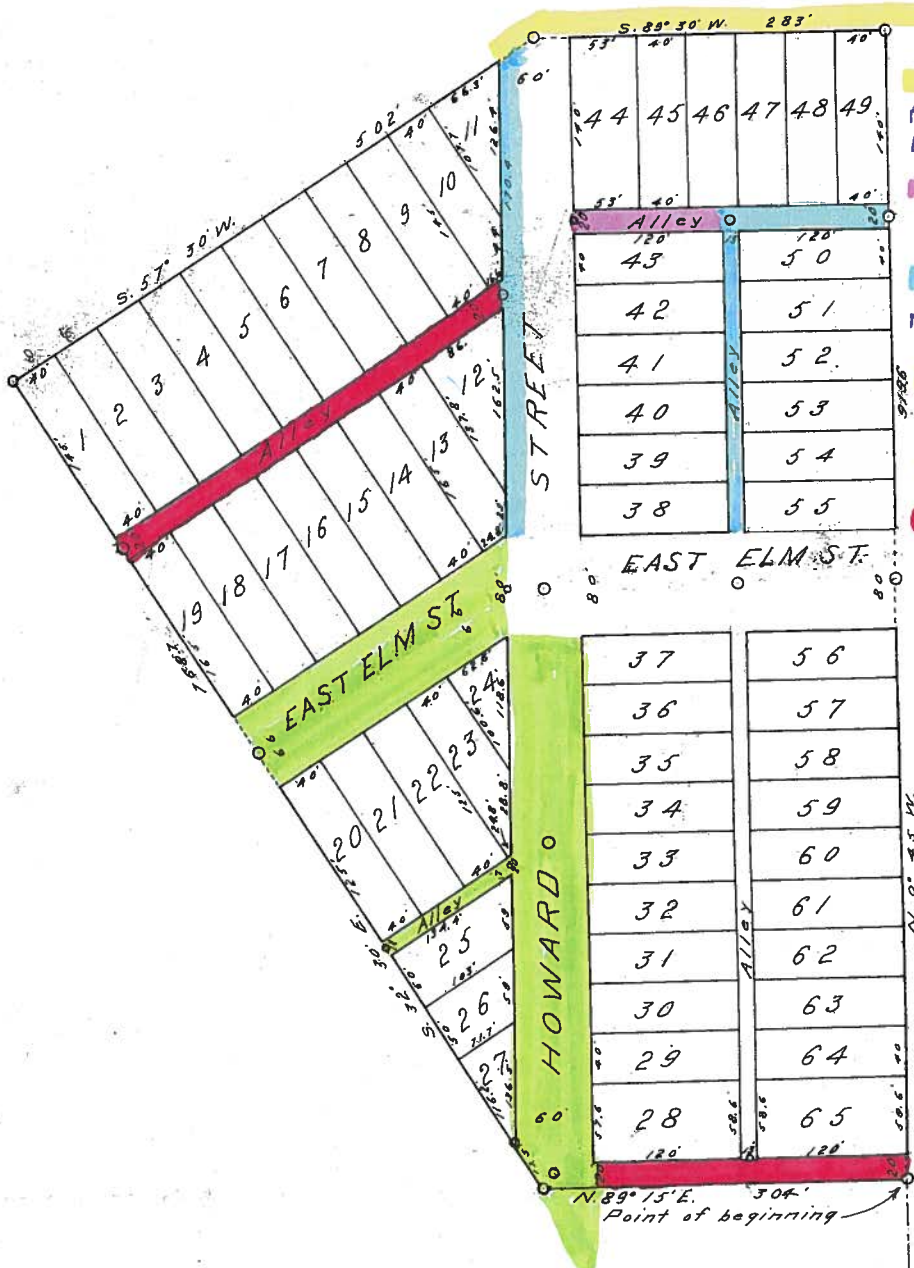
Cc: Jerry Scoby, VP A&F

Attachment

111 W. Knollview Drive  
Big Rapids, MI 49307-2742

Phone: (231) 591-2920  
Fax: (231) 591-2770  
Web: [www.ferris.edu](http://www.ferris.edu)



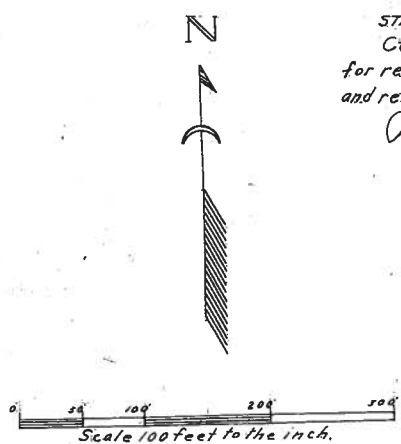


Resolution 3007  
L 322 P 228  
L 295 P 441  
Resolution 2705  
Resolution 5898  
(not recorded)  
adopted 9/16/1974  
not vacated

STATE OF MICHIGAN } S.S. This plat was received  
County of Mecosta }  
for record Sep 23 A.D. 1907 at 2 o'clock P.M.  
and recorded in Liber 2 of Plats on page 53.  
M. D. Hopkinson Register of Deeds.

REGISTER'S OFFICE } ss,  
Mecosta County, Mich. }  
This instrument was presented and  
Received for record, this 23rd day of Sept. A.D. 1907.  
at 2 o'clock P.M., (as a proper Certificate was furnished in compliance with Section 133 of Act 306 of Public Acts of Michigan of 1893 as amended by Act 154 Public Acts of Michigan of 1895) and Recorded in  
Liber 2 of Plats  
Page 53  
M. D. Hopkinson  
Register of Deeds,

1741th to section 22  
Sections 11, 12, 13 and 14  
T.15 N. R. 10 W. Mer. of.



R.C. Stewart Draftsman,  
Big Rapids, Mich.

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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Zoning for New Economy-Type Businesses  
DATE: 10 May 2019

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### **Introduction**

As part of the City's efforts toward achieving Redevelopment Ready Community certification with the MEDC, the Planning Commission has spent several months considering adding "New Economy-Type Businesses" as principal uses in several of the zoning districts.

In addition to discussion at previous Commission meetings, staff met with local business owners at the Downtown Business Association (DBA)'s Executive Board meeting and General meeting and the Downtown Development Authority (DDA) Board meeting. They were in favor of the changes. The DDA passed a motion of support for the proposed amendments.

### **Proposed Amendment**

See the attached Draft Ordinance which details the amendments to the Zoning Ordinance. It includes adding definitions for the following uses:

- Arts and Crafts Studios,
- Catering Services,
- Indoor Recreation Establishments,
- Licensed Alcohol Manufacturing Establishments,
- Microbrewery,
- Brewpub,
- Small Winery,
- Small Distillery, and
- Scientific, Engineering, and Medical Research and Development Laboratories.

It also proposes adding these business types as permitted principal uses in several the City's zoning districts.

### **Action**

The Zoning Ordinance Amendment process requires a Public Hearing to be held and for the Planning Commission to recommend to the City Commission adoption of the amendment.

Staff is in favor of the Planning Commission recommending adoption of the amendment to the City Commission.



**ORDINANCE NO. \_\_\_\_\_**

Commissioner \_\_\_\_\_ moved, supported by Commissioner \_\_\_\_\_,  
the adoption of the following Ordinance:

**AN ORDINANCE AMENDING ARTICLES 2 AND 3 OF  
THE BIG RAPIDS ZONING ORDINANCE TO DEFINE  
AND PERMIT NEW ECONOMY TYPE BUSINESSES**

WHEREAS, the Planning Commission considered amendments to the Big Rapids Zoning Ordinance to allow New Economy Type Businesses in several Zoning Districts, and

WHEREAS, the Planning Commission conducted a public hearing on \_\_\_\_\_, 2019, and \_\_\_\_\_, 2019, on the text amendments that would permit New Economy Type Businesses in the C-1 and C-2 Commercial Districts and the Industrial Zoning District, and

WHEREAS, on \_\_\_\_\_, 2019, the Planning Commission resolved by unanimous vote to recommend adoption of a text amendment to the Big Rapids Zoning Ordinance Definitions that would add Arts and Crafts Studios, Catering Services, Indoor Recreation Areas, Microbreweries, Brewpubs, Craft Distilleries, Small Wineries and Scientific, Engineering, and Medical Research and Development Laboratories as Principal Uses subject to the conditions of Article 3 District Regulations, and text changes to Sections 3.9:2, 3.9:10, and 3.12:2 District Regulations.

NOW THEREFORE, the **City of Big Rapids** ordains:

Section 1. The definitions of New Economy Type Businesses are added to Article 2 to read as follows:

**2.2:80 Arts and Crafts Studios** – A building used for the production, display, and sale of works of arts and crafts. Such an establishment must be open to the public,

either by appointment and/or on a periodic open studio basis. Arts and Crafts Studios may engage in incidental sales of goods made on site.

- 2.2:81 **Catering Services** – Facility for preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.
- 2.2:82 **Indoor Recreation Establishments** – An establishment which provides indoor exercise and/or indoor court and field sports facilities, and which may include spectator seating in conjunction with the sports facilities such as skating rinks, swimming pools, indoor golf facilities, pool or billiard halls, and bowling alleys. Auditoriums and stadiums are not included.
- 2.2:83 **Licensed Alcohol Manufacturing Establishments** – An establishment obtaining a Michigan alcohol manufacturing license such as brewer, brewpub, wine maker, and small distiller.
- 2.2:84 **Microbrewery** – An establishment obtaining a Michigan micro brewer permit manufacturing up to 30,000 barrels of beer annually (including production in any out-of-state facilities). Micro Brewers may sell beer to licensed wholesalers and may not sell beer directly to licensed retailers. Micro Brewers may sell beer at their brewery to consumers for on & off-premise consumption without an additional license. A Micro Brewer may permit sampling of beer on the brewery premises.
- 2.2:85 **Brewpub** – An establishment obtaining a Michigan brewpub permit manufacturing up to 5,000 barrels of beer annually. A Brewpub must also hold an on premise license (Class C, Tavern, A-Hotel, B-Hotel, or Resort). A Brewpub must operate a full-service restaurant with at least 25% of gross sales from non-alcoholic items. Brewpubs may not sell their beer to wholesalers or retailers. Brewpubs may sell their beer to consumers for on-premises consumption or take-out.
- 2.2:86 **Small Winery** – An establishment obtaining a Michigan small wine maker permit manufacturing up to 50,000 gallons of wine per year (including production at all licensed winery facilities). Small Wine Makers may sell directly to wholesalers, to licensed retailers, or to consumers for off-premise consumption. Small Wine Makers may sell wine to consumers for on premise consumption from a restaurant on the winery premises.

2.2:87 **Small Distillery** – An establishment obtaining a Michigan small distiller permit manufacturing up to 60,000 gallons of spirits and brandy (of all brands combined). Small Distillers may sell spirits to consumers at the manufacturing premises for on premise or off-premise consumption. Small Distillers may provide free samples to consumers on the manufacturing premises. Small Distillers may not sell directly to retailers but may sell spirit products to the Commission.

2.2:88 **Scientific, Engineering, and Medical Research and Development Laboratories** – Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial, or scientific products or commodities for sale, but excludes uses that may be objectionable as determined by the Zoning Administrator, by reason of production of offensive odor, dust, noise, vibration, or storage of or risk associated with hazardous materials. Uses include biotechnology firms, metallurgy, optical, pharmaceutical and X-ray research, data processing, and non-toxic computer component manufacturers.

Section 2      Article 3, Section 3.9:2 is amended to add the following text as permitted principal uses and structures in the C-1 District:

3.9:2 (2)(d)    ~~and other similar establishments~~ **Indoor recreation establishments**  
3.9:2 (2)(e)    **and other similar establishments**

Section 3      Article 3, Section 3.10:2 is amended to add the following text as permitted principal uses and structures in the C-2 District:

3.10:2 (2)(t)    ~~Other similar establishments~~ **Indoor recreation establishments**  
3.10:2 (2)(u)    **Arts and crafts studios**  
3.10:2 (2)(v)    **Licensed microbreweries, brewpubs, small distilleries, and small wineries**  
3.10:2 (2)(w)    **and other similar establishments**  
3.10:2 (3)(h)    ~~and other similar establishments~~ **Catering services**  
3.10:2 (3)(j)    **and other similar establishments**

Section 4      Article 3, Section 3.12:2 is amended to add the following text as permitted principal uses in the Industrial District:

3.12:2 (8)      **Indoor recreation establishments**  
3.12:2 (9)      **Arts and crafts studios**  
3.12:2 (10)     **Catering services**  
3.12:2 (11)     **Licensed alcohol manufacturing establishments**  
3.12:2 (12)     **Scientific, engineering, and medical research and development laboratories**

Section 4. The ordinance shall be effective 20 days after publication.

Section 5. The City Clerk is directed to publish this ordinance in the Pioneer.

Yeas:

Nays:

The Mayor declared the ordinance \_\_\_\_\_.

Date:

Published:

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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Zoning for Recreational Marihuana  
DATE: 10 May 2019

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### **Introduction**

As part of the City's ongoing considerations regarding whether to allow medical or recreational marihuana establishments within the City boundaries, the discussion around zoning for such businesses continues.

Three State of Michigan laws are currently in place to regulate marihuana businesses. These are the Michigan Medical Marihuana Act (MMMA) which establishes the patient/caregiver model, the Medical Marihuana Facilities Licensing Act (MMFLA), by which medical facilities are licensed by the State and located in municipalities that opt in, and the Michigan Regulation and Taxation of Marihuana Act (MRTMA) which permits recreational marihuana businesses to be licensed by the State and located in municipalities that do not opt out.

### **Presentation by City Attorney Eric Williams**

City Attorney Eric Williams will be present at the Commission meeting to present on some of the legal issues related to the various Michigan marihuana laws and to answer questions from the Commissioners.

### **Medical Marihuana Facilities Handout**

A report from the Michigan Municipal League about the Medical Marihuana Facilities Licensing Act is included. This document is a year old, but it includes helpful information about the kinds of ordinances municipalities should consider on pages 7-11.

### **Action**

Think about the MRTMA and where different types of establishments should be permitted in our Zoning Districts. Be prepared to participate a robust conversation and give staff direction for further research and analysis. This conversation is expected to continue into later months/meetings.





michigan municipal league



## Medical Marijuana Facilities - Opt In/Opt Out

Updated to include LARA's Emergency Rules

May 4, 2018

# CONSIDERATIONS FOR THE MUNICIPAL LAWYER

This publication is for municipal lawyers whose clients are considering “opting in” to allow medical marihuana uses under Public Act 281 of 2016, the Medical Marihuana Facilities Licensing Act (MMFLA), as recently amended by Public Act 10 of 2018. It will not address most of the substantive requirements of that law, or of its companion laws, Public Acts 282 and 283, or how they operate to establish the new “seed-to-sale” state regulatory scheme. It assumes that by now most municipal attorneys have familiarized themselves with the basics of how those laws operate to authorize the five kinds of facilities under consideration (grow operations, processing centers, testing facilities, secure transporters, and provisioning centers).

Rather, the purpose of this publication is to assemble some thoughts on advising municipalities about the sorts of things that they should consider when evaluating their options under the new state regulatory scheme. Collected below are some of the concerns to be addressed first in deciding whether to authorize the medical marihuana uses now allowed, and second, if your municipality chooses to do so, what sort of things should be in the regulatory ordinance(s) that must be adopted in order to do so.

The state’s Department of Licensing and Regulatory Affairs (LARA) has, since the MMFLA was enacted, been issuing Advisory Bulletins and other information that is relevant and useful as this process unfolds; these publications continue to be full of useful information and should be regularly monitored for updates. The “home page” for the Bureau of Medical Marihuana Regulation (BMMR), which is responsible for oversight of medical marihuana in Michigan, is found at [www.Michigan.gov/medicalmarihuana](http://www.Michigan.gov/medicalmarihuana).

As required by the MMFLA, LARA has also issued a set of administrative rules that will govern implementation of the Act at the state level. Released on December 4, 2017 (just before medical marijuana facilities could begin applying for state operating licenses), the rules were issued as “Emergency Rules”—meaning that they were not prepared in accordance with the “complete” process of the Administrative Procedures Act of 1969, MCL 24.201 *et seq.* They will therefore need to be formalized (which could include revisions) at some point in the future. In the meantime, they will govern licensing actions by LARA, and must be thoroughly reviewed by any municipality considering opting in. The Emergency Rules can be found at: [https://www.michigan.gov/lara/0,4601,7-154-79571\\_83994---,00.html](https://www.michigan.gov/lara/0,4601,7-154-79571_83994---,00.html).

In early 2018, the Michigan Legislature adopted Public Act 10 of 2018. In addition to providing new protection from adverse action against CPAs and financial institutions that assist medical marijuana facilities, and establishing some new operational authorities for certain facilities, Public Act 10 amended Section 205 of the MMFLA—the municipal opt-in provision—to make it even clearer that a municipality must opt in by ordinance before the state can issue a facility license. The prior bulletins, the Emergency Rules, and now Public Act 10 together clearly confirm that if municipalities do nothing, marihuana facilities will be unable to be licensed at the state level to operate in their locality. They also implicitly confirm that there is no deadline to opt in. So, a community that has decided to wait beyond the December 15, 2017 date on which applicants were allowed to begin submitting applications to the state, has not waived any future opt-in rights. What follows is intended for use by those who might still be looking at opting in.

This paper is being provided by the Michigan Municipal League (MML) to assist its member communities.

The MML Legal Defense Fund authorized its preparation, by Thomas R. Schultz of Johnson, Rosati, Schultz & Joppich. The document does not constitute legal advice and the material is provided as information only. All references should be independently confirmed.

The information contained in this paper might become outdated as additional materials are released by LARA and the BMMR and administrative rules are put in place.

The spelling of “marihuana” in this paper is the one used in the Michigan statute and is the equivalent of “marijuana.”

## OTHER RESOURCES

The Michigan Municipal League has compiled numerous resource materials on medical marihuana. They are available via the MML web site at: [www.mml.org/resources/information/mi-med-marihuana.html](http://www.mml.org/resources/information/mi-med-marihuana.html)



# DECIDING WHETHER TO OPT IN

## What sorts of arguments have been made in favor of opting in?

### FILLING A NEED

An argument that your clients will hear frequently from the industry is that allowing medical marihuana facilities will fill a need in the community and provide easier access to medical marihuana for people who are in chronic pain due to a debilitating medical condition. This argument assumes the medical benefits of marihuana and focuses on the pain-relieving aspects of it. There are some effective advocates on the industry side on this point, and you may see some very personal messaging at your meetings.

### IT'S WHAT THE PEOPLE WANT

A similar argument is that the authorization of medical marihuana use in a community reflects the attitude of a majority of a particular locality. Proponents regularly point out the healthy margin by which the initial medical marihuana law passed in 2008, and the number of states where marihuana uses have been authorized over the years since then. This is obviously something that each community will need to evaluate and address; some areas seem “all in” on the issue, while others have met substantial opposition.

### REVENUE GENERATION

Proponents argue that medical marihuana facilities can generate revenue for a community. The Act allows a municipality to charge a nonrefundable fee in an amount “not more than” \$5,000 annually to help “defray administrative and enforcement costs.” MMFLA, Section 205(3). Of course, the fees charged probably do need to approximate those costs, so this fee might end up a wash.

Arguments have also been made that the uses can possibly fill vacant buildings or lots and thereby increase property tax revenues. Some jobs will likely be created—i.e., provisioning centers will require retail workers, large grow operations could employ multiple people to engage in plant cultivation, etc.

### EASIER MONITORING

Proponents also argue that allowing commercial medical marihuana activities, and regulating them through ordinances that focus production and distribution into fewer sites, could make law enforcement monitoring easier.

### AVOIDS LEGISLATION BY CITIZEN “INITIATIVE”

Some municipal lawyers and others have pointed out the practical concern that would exist if a local elected body determines to “opt out” by not enacting an ordinance to allow marihuana facilities, only to have the initiative provisions of its charter be used to draft an ordinance to place before the voters without any input by that legislative body. Adopting an ordinance limiting the number of facilities and their location through study and debate might be preferable to leaving that task to the industry or your local residents by the initiative process where available.

Generally, the initiative process for local legislation (ordinance amendments) is available to cities under the Home Rule City Act (HCRA), MCL 117.4i(g) where a city charter permits it. There is no specific statutory authority for townships or general law villages to use the initiative process to amend ordinances, although it may be available in a charter village. There is probably no right in any municipality to amend a zoning ordinance by initiative. See *Korash v Livonia*, 388 Mich 737 (1972). Charter amendments by voter initiative are permitted in home rule cities (MCL 117.18-25) and charter villages (MCL 78.14-18).

### SERVE AS A “TEMPLATE” FOR RECREATIONAL MARIHUANA?

On April 26, 2018 the Michigan Board of Canvassers voted to approve the signatures submitted by The Coalition to Regulate Marijuana like Alcohol. The Legislature has 40 days to enact the ballot proposal into law or it will go on the November 6, 2018 statewide ballot. Having a regulatory scheme in place for when that happens—even if it might need to be changed or revisited—could put the community in a better situation to react than if policymakers have never addressed the issue.

### EARLY APPLICANTS THE BEST APPLICANTS?

An argument can be made that delay just means that your community is only missing out on the best, most reputable industry members—those who might be more likely to cooperate with the community as part of an early approval process. If you assume that everyone will have to opt in eventually, what could be left by the time you do might not be the best local partners.

# What are the reasons to be cautious/skeptical?

## FEDERAL LAW ISSUE

All of these uses are still illegal under federal law, and we don't know for sure what the federal government will do in the future with regard to these specified uses. The status quo is that federal attention is diverted away from uses that are "authorized" by and operated generally in compliance with state laws—but who knows if that will last? Attorney General Jeff Sessions has made his view clear: "Good people don't smoke marijuana."

On the other hand, the industry seems to be growing at a pace that exceeds the federal government's ability (time/resources) to do much about it. The likelihood that a community (or its elected officials) that is complying with this state regulatory scheme will face federal criminal sanctions for colluding or cooperating with individuals engaged in the violation of federal laws seems small and getting smaller. That said, there are no guarantees and your clients should be made aware of that.

In October, the National League of Cities presented a very thorough webinar "Marijuana Federalism" for state municipal leagues. It was conducted by Professor Robert Mikos of Vanderbilt University Law School. Articles and books written by Professor Mikos can be found at: <https://law.vanderbilt.edu/bio/robert-mikos>; also within the resource materials available from the Michigan Municipal League, as referenced at the bottom of Page 2.

Some providers are dangling significant amounts of cash to local government officials (on top of the fees and taxes allowed by the new law) to be used at the municipality's discretion for things like police services, patrol vehicles, etc. Those sorts of monetary exchanges, which don't have the official "cover" of a state law allowing them, seem dangerous to get involved in.

## COSTS MIGHT OUTWEIGH FEES AND TAX-SHARING

A community might be required to hire additional police and/or code enforcement personnel to ensure that medical marijuana facilities are in compliance with existing laws, and to protect those facilities from theft, vandalism, and other crimes. While \$5,000 as an annual fee might seem like a significant amount of money, by the time a municipality has had an application reviewed by staff and consultants and conducted hearings (if required under an ordinance), and performed any background checks that it might want to do, the amount might not seem so generous.

Nor are most communities likely to see substantial revenue from the tax provided for in the statute. Assume for this discussion gross retail sales throughout the state of one

billion dollars (\$1,000,000,000). The state's 3% excise tax on provisioning centers would raise \$30,000,000. Under the MMFLA, only 25% (\$7,500,000) of that would go to Michigan municipalities. That amount is split among municipalities "in proportion to the number of marijuana facilities within the municipality." Assume your city gets 1% of that revenue—that's \$75,000. For many municipalities, that amount may not justify the increased costs that result from opting in (and for many smaller communities considering one or two provisioning centers, the 1% number seems high).

## PROPERTY TAXES MAY TAKE SOME TIME TO SHOW UP

Under our state's property tax system, communities might not start seeing significant property tax revenue just because buildings are suddenly occupied. Headlee and Proposal A could dampen the economic benefits that might otherwise occur, and assessments are certainly subject to challenge.

Moreover, some kinds of uses may actually have a negative effect on a local tax base. For example, if a formerly industrial property becomes classified as "agricultural" as a result of a grow operation, the valuation might actually go down, as opposed to up.

## LOSS OF CONTROL

Once it "opts in," a community is at the mercy of the BMMR. The language of the MMFLA is unfortunately not as clear as it could be on the state's obligation to deny a license if the applicant does not meet the requirements of a local ordinance. While we know what happens if your municipality does not opt in—no license can be issued—once an ordinance is drafted to allow a particular use, the language of the statute is unfortunately fuzzy as to whether the state has to follow it. What happens if the state does not follow it? The municipality could well find itself in court seeking to enforce its ordinance.

The Emergency Rules also make clear how extensive the state's involvement in the review and regulation of the facilities will be; concerns have been raised by some local officials regarding the extent of preemption as to things like inspections of premises by local government officials.

## NUISANCE/SAFETY ISSUES

Many of these large uses do emit significant odors that some find objectionable. In addition to odors, there are noise (generators), heat, and lighting issues (either with regard to the use itself or for security). The MMFLA does allow municipalities to regulate these effects, though.

## CIVIL LIABILITY

Like any land use decision, approval of these sorts of uses can be challenged. Neighbors may claim everything from nuisance to diminution in land values.

## ENVIRONMENTAL EFFECTS UNKNOWN

There will be environmental effects from some of these uses, particularly the grow and processing operations: pesticides, fertilizers, energy consumption, water consumption, and disposal of waste products are all certain to result from these uses. As new uses, there may not be sufficient regulation at the state level, so these matters may fall to local governments to monitor, which may or may not be possible in every community.

## COMMUNITY STAKEHOLDER OPPOSITION

Some communities have reported hearing from significant community stakeholders—e.g., large employers, health care providers, community foundations, influential business leaders, etc.—who have made known their specific opposition to the presence of marihuana facilities in the community, and corresponding intentions to react in some way if they are allowed. At a minimum, these stakeholders should be invited to participate in the discussion at the outset, so that all interests are heard.

# Should you wait to see what happens with efforts to legalize “recreational” marihuana?

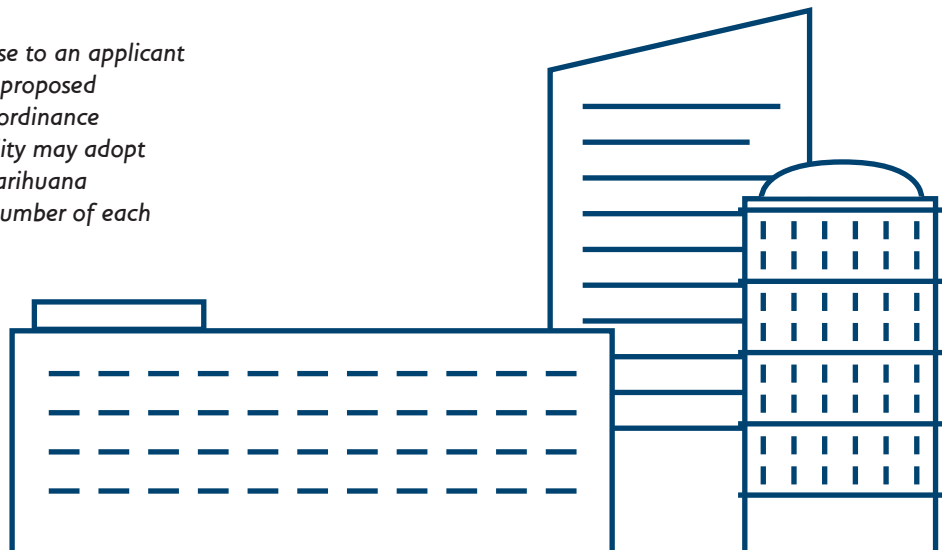
The ballot proposal states that a municipality may completely prohibit or limit the number of marihuana establishments within its boundaries. Also, individuals may petition to initiate an ordinance to provide for the number of marihuana establishments allowed within a municipality or to completely prohibit marihuana establishments within a municipality.

Depending on what happens, any regulations that are adopted now will likely need to be revisited/revise—probably through the same public process for adopting ordinances now. Does your community want to do that twice in the span of a couple years?

# Opting In? Here Are the Kinds of Things You Should Think About in Drafting Your Local Regulatory Framework

As amended by Public Act 10, Section 205(1) of Public Act 281 now provides:

*The board shall not issue a state operating license to an applicant unless the municipality in which the applicant’s proposed marihuana facility will operate has adopted an ordinance that authorizes that type of facility. A municipality may adopt an ordinance to authorize 1 or more types of marihuana facilities within its boundaries and to limit the number of each type of marihuana facility. A municipality may adopt other ordinances relating to marihuana facilities within its jurisdiction, including zoning regulations, but shall not impose regulations regarding the purity or pricing of marihuana or interfering or conflicting with this act or rules for licensing marihuana facilities.*





# LARA's Emergency Rules Confirm Substantial Local Regulatory Authority

The Emergency Rules issued by LARA on December 4, 2017 include additional detail as to some of the more important Advisory Bulletins previously issued by LARA prior to adoption of the Rules—including those relating to co-location of facilities, stacking of grower licenses, the license application and document checklist, confirmation of municipal authorization of marihuana facilities, and various capitalization and other financial requirements. The Emergency Rules also provide much greater detail on some additional subjects of interest to both prospective licensees and local municipalities regarding:

- *Requirements of the marihuana facility plan*
- *Pre-licensure investigation and inspection of the proposed facilities*
- *The grounds on which a license may be denied*
- *Renewals of licenses, changes to facilities*
- *Notifications, reporting, inspections, penalties, sanctions, fines*
- *Transition period and licensee requirements to get marihuana product into the statewide monitoring system*
- *Requirements and obligations of licensed marihuana facilities*
- *Applicable state laws/rules, fire safety, security measures, prohibitions*
- *Requirements, restrictions, and maximum THC-levels for marihuana-infused products*
- *Storage, labeling requirements, product destruction, and waste management*
- *Statewide marihuana tracking system*
- *Daily purchasing limits and marketing/advertising restrictions*
- *Employee background check requirements*
- *The hearing and review process recommended by the Michigan Administrative Hearing System*

In general, the Emergency Rules flesh out what LARA had previously indicated, through Advisory Bulletins, it expected the licensing process to be, with some clarifications. As originally enacted, the MMFLA contemplated a process under which a municipality would provide information to the BMFR within 90 days after notification from an applicant that he or she has applied for a license. Among the changes to the MMFLA under Public Act 10 was the requirement in Section

205(1) requiring any municipality that adopts an ordinance authorizing a marihuana facility to provide (regardless of any pending application) certain information about that ordinance to the department, including an attestation that the municipality has adopted an ordinance, a description of that ordinance, the signature of the clerk of the municipality, and any other information required by the department. Section 205(1), as amended, also indicates that the department may require a municipality to provide additional information in the event of an application for license renewal.

The Emergency Rules are consistent with the language of Public Act 10. Rule 6 of the Emergency Rules sets forth the requirements for a “complete” application to the state for a state operating license. In addition to all of the various information required by the state, subsection (d) of Rule 6 states:

An applicant shall submit confirmation of compliance with the municipal ordinance as required in Section 205 of the act and these rules. For purposes of these rules, confirmation of compliance must be on an attestation form prepared by the department that contains all of the following information:

- i. Written affirmation that the municipality has adopted an ordinance under Section 205 of the act, including, if applicable, the disclosure of any limitations on the number of each type of marihuana facility;
- ii. Description of any zoning regulations that apply to the proposed marihuana facility within the municipality; and
- iii. The signature of the clerk of the municipality, or his or her designee, attesting that the information stated in the document is correct.

Under Emergency Rule 4(2), a person is allowed to submit a partial application seeking to have his or her financial and criminal backgrounds reviewed under Rule 5, in order to “prequalify to complete the remaining application requirements.” Submission of the partial application gives the applicant “pending status until all application requirements in Rule 6 are completed.” This rule allows an applicant to seek municipal approval while not yet fully licensed at the state level.

Rule 12 of the Emergency Rules confirms that a license may be denied if the applicant fails to comply with Act 281 or the Emergency Rules. Rule 12(1)(f) specifically states that a license may be denied if “the applicant has failed to satisfy the confirmation of compliance by a municipality in accordance with Section 205 of the act and these rules.”

Essentially, the Emergency Rules more or less validate the expected two-step licensing process that the department previewed before the issuance of the Emergency Rules—a first step where the applicant seeks to “prequalify” at the state level as to financial and background matters, and a second step where municipal approval is sought pursuant to the ordinances authorized by the statute and adopted by the municipality. No state operating license will issue until compliance with those municipal regulations has been established.

The process described in the Emergency Rules for medical marijuana facilities that existed before adoption of the MMFLA is worth at least a mention here. Rule 19 of the Emergency Rules allowed for the temporary operation of facilities that had previously been approved for operation by a municipality (and confirmed for such use following enactment of the MMFLA). However, in order to qualify for temporary operation, an application for a state operating license was required to be filed with the state no later than February 15, 2018. Failure to submit a proper application by February 15, 2018, could be a reason for denial of a license under the Act and the rules. (Apparently, a number of facilities failed to heed the February 15 deadline.)

## What Kinds of Ordinances Should You Consider?

So, other than regulating purity and pricing, or rules directly conflicting with the state regulations, we know that municipalities can regulate significant aspects of marijuana facilities within their boundaries—although, as noted above, the extent of the state’s involvement in regulating the operation of the facilities once approved (e.g., with regard to construction standards, financial operations, and inspections) has raised concerns among some that there may be more discussion in the future as to what sorts of local regulations are viewed by the state as “conflicting” with those adopted by the state. Most of the discussion about how to do that by both municipal attorneys and attorneys for the medical marijuana industry has focused on two separate kinds of ordinances:

- **ZONING ORDINANCE** amendments generally relating to the location of medical marijuana facilities and the development approval process.
- **CODE/POLICE POWER** ordinances relating to the number of facilities within the municipality, a licensing process that works with the state’s process, and listing responsibilities and obligations of facility operators, as well as some basic safety regulations aimed at new practices (e.g., butane extraction).

What makes the regulation of these uses at the local level difficult (or at least complicated) is as much timing as anything else—timing the issuance of a local license/approval of an application with the state’s licensing process, and timing the license approval process with the development approval process (i.e., getting zoning and building permits for a new/renovated facility under a different ordinance than the licensing requirements to operate within that facility).

In addition, there is the matter of deciding who gets the approval to operate a facility. Given the “prequalification” process in the Emergency Rules and the authorization for limiting the number of a particular type of facility allowed within a municipality, it can arguably be said that the local government ends up in charge of “picking” successful candidates for final licensure by the state. This may be the toughest choice facing a community that has decided to opt in.

### 1. Zoning ordinance

Communities can consider adopting zoning ordinance amendments to provide the following:

#### TYPES OF FACILITIES TO BE ALLOWED

Under the MMFLA, a community can allow all five types of facilities or can pick and choose which to allow (e.g., allow grow operation and provisioning centers, but no compliance facility, processing centers, or transport facilities). This choice will vary by community, and should be made deliberately on the basis of community needs/desires.

#### DISTRICTS WHERE ALLOWED

The MMFLA does not specify where these facilities may be located, except to state that a grow facility must be established in an area zoned for industrial or agricultural uses or that is un-zoned. Section 501(7). Obviously,



determining locations will need to be done on a community-by-community basis, depending on the master plan and land use goals and objectives.

Some uses seem to sort themselves into natural categories—e.g. processing plants in industrial or manufacturing areas, grow operations in industrial/agricultural. Some communities could elect to place even dispensaries (which arguably have a commercial/retail character) in industrial/agricultural districts that, depending on the community's zoning map or particular community characteristics, are better suited for such uses than traditional business districts on Main Street or in a strip mall.

Some communities have considered adopting an “overlay” zone for medical marijuana facilities. An overlay zone typically operates by adding an additional set of uses—and corresponding additional regulations—in certain areas of the community, without changing the underlying zoning district regulations. An overlay district could be considered if a community wants, for example, only certain industrially zoned areas in a particular part of town to be available to marijuana facilities.

#### USE PERMITTED OF RIGHT? SPECIAL LAND USE?

The community needs to determine whether these uses will be uses permitted as of right or only as discretionary special land uses. Arguments can be made in favor of either approach.

Some communities have made them uses as of right in order to avoid requiring their planning commissions to exercise discretion in determining who will be authorized to engage in the use. The discretionary element of a special land use exposes a municipality to a challenge or litigation where an applicant is denied the use, or where one applicant is granted approval and another is not. Special land use decisions can also invite challenge from adjacent property owners alleging an improper exercise of discretion when a use is granted over substantial objections at the required public hearing.

On the other hand, the special land use process affords the municipality the greatest opportunity to impose conditions allowed under the Michigan Zoning Enabling Act. MCL 125.3504. These could include important requirements for, say, building appearance, sign size, screening, access, etc.

The community could consider the “in between” approach of a “use permitted on special condition,” where the conditions are fully objective (based on physical characteristics, size, etc.)

#### PROXIMITY AND CO-LOCATION ISSUES

Another regulatory issue to be considered as part of the zoning ordinance amendment is a distancing requirement between marijuana-based uses. Should they be clustered or dispersed? Not unlike the question that is asked with adult/sexually oriented businesses: is it better to put these uses (to the extent possible) in one general area, for easier

monitoring, or to separate them so an area does not become known for that particular characteristic. The question presents practical issues as well as fairness issues (e.g., placing provisioning centers in only one part of town).

Also, does the community want to allow different kinds of facilities—e.g., a grower and a provisioning center—to co-locate at the same site? The Emergency Rules appear to confirm that, under Section 205 of Act 281, municipalities retain the authority to regulate these basic land use issues. The same is true as to the “stacking” of Class C grow licenses, which permit up to 1,500 plants per license. The LARA rules allow stacking if it is permitted by local ordinance.

#### DISTANCING REQUIREMENTS FROM OTHER USES

Municipalities might also want to consider location or spacing requirements as between medical marijuana uses and other uses. For example, the ordinance provides distancing requirements from schools, parks and playgrounds, certain types of residential districts or housing types, churches, pools and recreation facilities, rehabilitation treatment centers, correctional facilities, and the like. This is a classic sort of zoning regulation and should be carefully considered. This could also be regulated in the licensing ordinance instead.

#### COORDINATING SITE PLAN/BUILDING PERMIT PROCESS WITH LICENSING PROCESS.

Most likely, the typical process for finalizing site plans and issuing building and occupancy permits as set forth in the zoning ordinance can be followed. Some buildings might be built new, on vacant sites; other uses might occupy existing buildings, with little or no site work.

Either way, the *timing* of these zoning approvals with the local and state licensing processes will need to be decided and addressed. The zoning ordinance should probably acknowledge a separate process under the licensing ordinance, and make some appropriate conditions requiring that approval.

#### OTHER PROVISIONS

The ordinance should contain the other usual elements:

- A statement of purpose/intent—which, as explained further below, should refer to the applicable state laws as the basis for inclusion of these uses.
- A definitions section that matches the terms from the state laws.
- A section dealing with nonconforming sites/uses. This may be particularly relevant if there are currently some marijuana-based facilities operating in the community, which the community may or may not want to assist in continuing under the new regulatory scheme.
- Provisions relating to application review fees (for planners, engineers, landscape architects, etc.).

## 2. Police Power/Code of Ordinances amendment to deal with licensing facilities at the local level

Again, the most difficult aspect of crafting a licensing ordinance for most communities will be timing the local license approval with the state's licensing process and the zoning/building occupancy approval process. Because the applicants at the municipal level will not yet have their final state approval (because under the Emergency Rules proof of "municipal compliance" is required to get a state operating license), there will likely need to be some sort of "conditional" aspect to the local license— i.e., it becomes effective only upon securing the state operating license and all zoning/land use approvals.

A related complication arises when the local regulatory scheme limits the number of a type of use. The first concern is how those applicants are chosen (special land use? first come, first served? random?). Problems can also result if a conditional license is granted, but then conditions are not in fact met. Should the ordinance have provisions to deal with choosing an alternative applicant?

Among the things a municipality will want to consider in its licensing/general regulatory ordinance:

### PURPOSE AND INTENT CLAUSE

If nothing else, in addition to describing the general goals and objectives as relates to the particular facilities and licensing applicants regulated, a community might want to consider some explanation that the ordinance is being enacted specifically pursuant to an invitation in the state law, and with the recognition that the state law may be at odds with the federal regulatory scheme relating to marihuana. The clause should also include a recognition that if the legislative body does not act, then someone else might act in its stead (through the initiative process, assuming it is applicable).

### DEFINITIONS

These need to match up with the state law, particularly as to the uses allowed. Additional definitions may be needed depending on the nature of local regulations.

### LIMITATIONS ON THE NUMBER OF FACILITIES ALLOWED IN THE COMMUNITY, BY TYPE

The MMFLA does not describe how a community arrives at a limitation, just that it can. Limitation criteria can be found by way of population (e.g., x number of dispensaries per y number of residents in the community) or by area and location. Some explanation during the process (or in the purpose section) would be appropriate.

It should also address successor uses. Once the limit is reached, will no further applications be accepted? Or will they be held in order received if/when license becomes available again?

In addition, where the number of facilities is limited, the community might want to consider imposing a time frame in which the use must be established and a certificate of occupancy issued (e.g., six to nine months), with an obligation to surrender the license if the use is not established. This would limit the possibility of issuing a license to someone who wants to obtain a license but not use it (for purposes of limiting the market, or precluding a use) or, if a community allows license transfers, as an investment to transfer to another entity.

### LOCATION CRITERIA

This should be cross-referenced to the zoning ordinance (assuming there is one); or the location criteria can be established in the licensing ordinance itself.

### FEES

The MMFLA allows "not more than" \$5,000 per licensed facility as an annual non-refundable fee. However, because the purpose is stated as helping to defray actual costs of enforcement/oversight, a community should take care to justify the fee based upon what the community expects the actual costs to be.

### REQUIRED INFORMATION

The community can get as specific as it wants. Information required can include:

- Personal information about the applicant.
- Information about the applicant's professional experience.
- Proof of ownership or other occupancy rights for the property at issue.
- Information about the facility and operations plan.
- Proof of interest in land.
- Proof of adequate insurance (describe).

What the municipality **does** with such information (especially information of a personal or professional nature as to each applicant) is addressed below.



## CRITERIA FOR ISSUING OR DENYING THE LICENSE

- Who issues the license: The city/village/township clerk?  
Some other officer or body?
- What is the process? Should there be a hearing?  
Public input allowed?
- Standards for issuing:
  - First come, first served?
  - Lottery/pick from hat?
  - Evaluation on the basis of discretionary criteria?

This is the step with the most “exposure” to the municipality as noted above. The more subjective the process is or seems, the greater the likelihood of challenge. Some municipal attorneys have cautioned their communities against evaluating individual applicants and picking/choosing on the basis of such reviews—focus on the site, in other words, not the applicant. Other attorneys note that the language of Section 205 of the MMFLA is quite broad, and that the only sorts of regulations that the municipality is prohibited from enacting relate to purity, pricing, or those things “conflicting with statutory regulations for licensing.” The state law and the Emergency Rules do not appear to contain any specific prohibition on evaluation of individual applicants. Again, however, in addition to veering into the realm of “picking winners and losers,” an applicant-specific process invites a challenge by those who are unsuccessful.
- Do existing facilities get priority?

## STANDARDS FOR DENYING

These could incorporate the state laws, and could include additional limitations if appropriate.

Conditioned on all other appeals—state licenses, zoning/site plan review, occupancy permits. This contemplates a record documenting the “provisional” or “conditional” approval and specific requirements for a “final” approval.

Denial at state level revokes local approval.

## OCCUPANCY PERMITS

The practice of allowing occupancy before all aspects of the building and use are finalized, by issuing a “temporary certificate of occupancy,” or TCO, is typical in many communities. Doing so with these uses—which will likely be limited in number, and are essentially a “new” use with which we are not yet completely familiar—seems unnecessary. Consideration should be given to withholding occupancy rights until a final certificate of occupancy can be issued. Note that ADA compliance will be required for provisioning centers.

## APPEAL OF DENIAL OF A LICENSE

As a police power (as opposed to zoning) ordinance, the Zoning Board of Appeals (ZBA) may not be an ideal appellate board; however, many township boards and city councils might not relish the thought of having to be the deciding body. While the ZBA would need to be informed of its slightly different reviewing role, it is one that they are generally used to. Alternatives could also include a separate body or commission to hear appeals.

## SALE OR TRANSFER OF A LICENSE

Given the nature of the review process and the approvals given, the best practice would likely be to indicate that the license is personal to the applicant—no transfers allowed. The license should be clearly made “personal” to the applicant.

## RENEWAL

The annual fee assumes a renewal of businesses that remain in compliance with the local ordinances.

## REVOCATION (BY LOCAL ORDINANCE)

Revocation of a license should be a permissible result in the event of things like failure to comply with the licensing ordinance or any other ordinance of the municipality; change in ownership; change in operational plan; conviction of certain crimes; etc. Similar to a licensing revocation for liquor license.

## “PERFORMANCE STANDARDS” RELATING TO THINGS LIKE:

- Noise
- Odor
- Heat
- Light
- Continued compliance with all other ordinances, including zoning ordinance.

While a local code of ordinances might already contain some general standards in these areas, medical marijuana uses have unique aspects that merit particular attention. There are resources available to communities to confirm the ability of these facilities to mitigate—with appropriate capital investments—many of these adverse effects.

## ENVIRONMENTAL CONCERNS

Information about the environmental effects of these sorts of uses is limited at this point. But municipalities should at least be aware of the likely use of fertilizer and pesticides with regard to a grow operation in particular, and the ordinance could at least provide for basic standards for storage and use in accordance with other laws and regulations. Water and energy consumption may be significant with these uses as well. Both the grow operations and the processing centers raise waste disposal concerns. These areas are all fair game



under the limits set forth in Section 205(1) of the MMFLA, and the community should require information on all these aspects of all permitted uses before setting its regulations.

## SECURITY/PRIVACY

Fencing. Lighting. Access controls. Video surveillance. All these should be addressed in the ordinance or as part of any approval. Due consideration for the effects of these on neighboring properties should be taken into account in crafting regulations and approvals, and perhaps in determining permitted locations under the zoning ordinance.

## SIGNAGE

Signage for these uses could be offensive to some. While commercial signage is subject to greater regulation than non-commercial speech, there are obvious limitations, particularly under the *Reed v Gilbert* case. This is an important aspect of any of these uses, and the community will need to carefully research its options and closely draft its sign regulations.

## INSPECTION PROVISIONS

These provisions should be comprehensive and rigorous. Consideration should be given to those including:

- A statement that the premises are subject to inspection during business hours for purposes of determining compliance with state and local laws, without a search warrant.
- An acknowledgement that the application of a facility license constitutes consent to routine inspections of the premises and examination of surveillance and security camera recordings for purposes of protecting the public safety.
- Significant penalty provision for failure to comply.

## ADDITIONAL REQUIREMENTS ON THE BASIS OF THE SPECIFIC TYPE OF FACILITY

- For example, the community may want to regulate hours of operation or the physical appearance of buildings.
- List of specific prohibited acts by use (e.g., no consumption on premises at provisioning centers; requirement for all activities to occur indoors).
- Consider limitations on use of butane, propane, and other flammable products and require compliance with state and local laws for such products.

## VIOLATIONS AND PENALTIES SECTION

- Civil infraction, not misdemeanor.
- Each day a separate offense.

## INDEMNIFICATION

Given the nature of this use, the applicant/licensee could be required to indicate that it will hold the local municipality and its officials harmless, and indemnify them against claims related to the use.

## RIGHT TO FARM CONSIDERATIONS

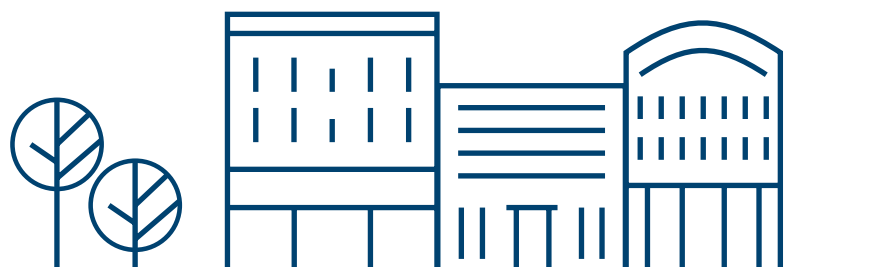
There is a question whether the Right to Farm Act, MCL 286.473, et seq., will apply to grow operations. While it is good to have the law in mind, it seems unlikely at this time, since to date no Generally Accepted Agricultural and Management Practice (GAAMP) regulation has been issued for medical marijuana.

## CONTINUING STATE EDUCATIONAL EFFORTS

On March 26, 2018, LARA hosted an educational session for medical marijuana license applicants. It included presentations on:

- Designing and constructing facilities, with an emphasis on compliance with state construction codes (and how the state will conduct its compliance inspections).
- MIOSHA standards and regulations pertinent to medical marijuana facilities.
- Fire protection rules and standards.
- Dealing with the State's Department of Treasury.

The Power Point presentation is available at <https://www.michigan.gov/lara/0,4601,7-154-79571---,00.html>. Municipalities may find the information of assistance.





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1675 Green Rd,  
Ann Arbor, MI 48105

***Planning Commission  
Regular Meeting***

Big Rapids City Hall  
226 N Michigan Avenue

July 17, 2019  
6:30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
  - a. 19 June 2019
5. Public Comment Not Related to Items on the Agenda
6. Public Hearing
  - a. Amendment to the Zoning Ordinance to change from  
“Conditional Use” to “Special Land Use” terminology
7. General Business
  - a. Review Draft Zoning Ordinance Amendment for Marihuana  
Establishments
8. Unscheduled Business
9. Adjourn

**CITY OF BIG RAPIDS  
JOINT MEETING WITH THE CITY COMMISSION  
PLANNING COMMISSION MINUTES  
June 19, 2019**

Vice-Chairperson Jane called the June 19, 2019, joint meeting of the Planning Commission and the City Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Josh Foor, Chris Jane, Paul Jackson, Rory Ruddick, Tim Vogel, Bill Yontz

**EXCUSED** Renato Cerdena

**ABSENT**

**ALSO PRESENT** Paula Priebe, Neighborhood Services Director  
Cindy Plautz, Neighborhood Services Coordinator  
Lynn Anderson, City Commissioner  
Jennifer Cochran, City Commissioner  
Jonathan Eppley, City Commissioner  
Tom Hogenson, Mayor  
Mark Gifford, City Manager  
Eric Williams, City Attorney

There were 15 people in the audience.

**APPROVAL OF MINUTES**

**Motion was made by Tim Vogel, seconded by Paul Jackson, to approve the minutes of the May 15, 2019, meeting of the Planning Commission as presented.**

**Motion passed with all in favor.**

**PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA**

None

**PUBLIC HEARING**

None

## **GENERAL BUSINESS**

### **Update on Redevelopment Ready Communities Progress**

Priebe reported that the process of becoming a Redevelopment Ready Community through the Michigan Economic Development Corporation (MEDC) was begun in 2017. It has been a long process, but the City has completed 68% of the 42 required categories. We are making progress and the remaining tasks fall within three categories:

1. Zoning Regulations
  - a. Consider adopting a Form-based Code to help achieve community goals in selected areas of the City.
  - b. Consider establishing build-to lines in key areas.
  - c. Incorporate standards to improve non-motorized transportation, such as bicycle parking, traffic calming, pedestrian lighting, and public realm standards.
  - d. Allow for parking reductions when public or bicycle parking is available or when a shared parking agreement exists between complementary uses.
  - e. Establish maximum parking standards, allow for parking waivers, or accept payment in lieu of parking.
2. Redevelopment Ready Sites
  - a. Identify at least three redevelopment sites.
  - b. Gather basic information on at least three redevelopment sites.
  - c. Develop a complete property information package (PIP) for at least one redevelopment site.
  - d. Establish a community vision for each of the redevelopment sites.
  - e. Identify potential resources and/or incentives for the identified redevelopment sites.
  - f. Market the redevelopment sites online.
3. Economic Development and Marketing Strategies
  - a. Develop an overarching economic development strategy to be approved by the City Commission.
  - b. Schedule an annual review of the adopted economic development strategy.
  - c. Adopt a formal marketing strategy for the City.
  - d. Add missing items to the City website.

Progress has been made on some of these categories. For example:

- The City has contracted with SmithGroup to assist with the Form-based Code update for the downtown and some of the commercial corridors. The City will start the process this summer with a kick off visioning meeting. The conversion will require Zoning Ordinance amendments with Form-based revisions to the C-2, R-R, and R-P districts. The MEDC will help with the \$18,000 cost of SmithGroup with a grant which will pay a 75/25 split with the City portion being \$4,500 and MEDC paying \$13,500.



- The Hanchett property is one of the redevelopment sites. The MEDC has a Redevelopment Services Team to assist with site selection and packaging once all other steps have been completed.
- We hope to work with the MCDC and the CVB on the Economic Development Strategy and Marketing Strategy respectively.

Priebe added that the City is moving forward and the MEDC helps along the way. All the categories do not have to be completed before the City is given the grant money.

## **Zoning for Marihuana**

Priebe reported that the State of Michigan has laws in place to regulate marihuana businesses. They are as follows:

- Michigan Medical Marihuana Act (MMMA) – establishes the patient/caregiver model
- Medical Marihuana Facilities Licensing Act (MMFLA) – regulates licensing for medical marihuana for municipalities that opt in.
- Michigan Regulation and Taxation of Marihuana Act (MRTMA) – regulates licensing for recreational marihuana businesses in municipalities who do not opt out.

The City did not opt into Medical Marihuana as yet, but we will be looking at the possibility of where these types of marihuana businesses might be allowed in the City. The Planning Commission has recently discussed the idea of drafting one ordinance which would work for both medical and adult use recreational marihuana. Separate laws govern each type of use, each with their own language for type of facility - the rules from the State are expected to be similar.

Currently, there are 5 medical marihuana licenses available:

- Growers – A Grower may grow marihuana and sell seeds and plants to another Grower or sell plants to a Processor or Provisioning Center.
- Processor – A Processor may purchase marihuana from Growers and sell marihuana and marihuana infused products to Provision Centers.
- Secure Transporters – A Secure Transporter may store, and transport marihuana and money associated with the purchase or sale of marihuana. All movement of marihuana or seeds between other licensees must be done by a Secure Transporter.
- Provisioning Centers – A Provisioning Center may purchase or transfer marihuana only from Growers and Processors and sell or transfer marihuana only to registered qualifying patients or registered primary caregivers. Before a Provisioning Center may sell marihuana, it must transport the marihuana to a Safety Compliance Facility for testing and labeling.
- Safety Compliance Facilities – A Safety Compliance Facility may receive and test marihuana from another marihuana facility.

Priebe provided five tables outlining Zoning, Buffer Distances, Signage, Building Requirements, and Other, such as Fees and Penalties. The tables compare the ordinances already in place for Medical Marihuana facilities of the following cities: Adrian, Ferndale, Mt. Pleasant, Niles, and Center Line. Priebe reviewed the tables and invited comments.

Priebe stated that Tables 1 (Zoning) and 2 (Buffering Distances) are the most important to review and consider in order to amend our Zoning Ordinance if it is decided to allow medical marihuana businesses. Most of the Cities that were studied allow all types of marihuana businesses. Hogenson noted that Grow Operations should only be located in the Industrial District due to the odor that is emitted from the process. Vogel stated that he wasn't sure growing should be allowed at all to which Priebe added that there are ways to control the odor. Audience member Mike Williams said that carbon filters are used for controlling the odor.

Growing would only be permitted outdoors per the State regulations. Renato Cerdena used ArcGIS to identify properties that would be available for marihuana businesses based on them being 1,000 ft. from schools and 250 ft. from single family R-1, churches, parks and Day Care Centers, and found 442 out of a total of 2,269 parcels met the criteria. When further reviewed for those properties that fall within the Commercial and Industrial Districts, the number of parcels available dropped down to 120. Maps were provided that show those areas that are 500 ft and 1,000 ft from K-12 schools.

The Planning Commission discussed how marihuana businesses fit into the New Economy Uses. Each type of use will be looked at individually and some may be regulated under the Conditional/Special Use process which could be a 2 to 3-month process. Compatibility with existing businesses/uses could be a concern.

The Planning Commission also discussed the number of marihuana businesses that would be allowed in the City limits. Priebe thought that it could be regulated through zoning to make it the least controversial.

Comments from the audience were heard and are summarized below.

Pat Currie, Big Rapids business owner, wondered who was the driving force for pushing the City to allow medical marihuana and wondered if there is a need for it. He grew up here and he wants to ensure a safe future for his grandkids. He would like to see more input from the community and would like to see the pros and cons explained. He sited that if allowed, the City would need to provide more law enforcement. He advised the City to take more time to decide, do more research and see what happens in the communities that have opted in. Jane reminded the audience that the Planning Commission does not decide on whether or not to allow medical marihuana but rather advises the City Commission on where the businesses could be allowed by City Ordinance if they decide to opt in.

Diana Richardson, Big Rapids, wondered if there was a way to regulate the licenses to keep big corporations out. Attorney Williams advised that the City has no control over who wants to start a business here. If the City does nothing, the State considers it as the City opting in, if we opt in, we can regulate with ordinances. If the City opts out, then no one would be allowed to operate marihuana businesses here. Hogenson was concerned about the black market taking control.

Brian Thiede, Mecosta County Prosecuting Attorney, stated that if the City opts in, there will be a decrease in the black market, but the black market will still be here for people under 21 years of age. There are cartels and syndicates backed by money that move into cities to run the businesses. He cited an example of a Cuban cartel in Bitely. These are huge businesses that hide in plain sight. If we would allow Mom and Pop businesses only, we could keep local control. He urged the City to take time to decide and see what happens in other communities. As of June 14, 2019, 467 communities have opted out of recreational marihuana. Thiede added that the Provisioning Centers have less risk and the cartels are more apt to be involved in the growing side of the operation.

The discussion led to the conclusion that Growers and Processors could be allowed in the Industrial District and Provisioning Centers and Safety Compliance Facilities could be allowed in the C-2 and C-3 Districts. Secure Transporters were not decided upon.

Priebe stated that she has gathered enough direction from the Planning Commission to present a draft amendment to the Zoning Ordinance at the July 17, 2019, Planning Commission meeting.

Attorney Williams summarized the meeting by saying that the City has not yet opted in to permitting Medical Marihuana. We need to be ready to make a decision by amending the Zoning Ordinance to designate where the various businesses might be allowed and by having some regulations in place. At this point in time, no other community in Mecosta County has opted in to allowing Medical Marihuana. Williams stated that if we feel there is a need to allow it in Mecosta County, it makes the most sense for Big Rapids to allow it as Public Safety is concentrated here.

Mayor Hogenson stated that he appreciates the effort Priebe has put into researching and reporting her findings concerning marihuana. Issues have been raised and her effort is helpful.

There being no further business, Vice-Chair Jane adjourned the meeting at 7:56 p.m. with all in favor.

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary

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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Zoning Ordinance Amendment for Special Land Uses  
DATE: 05 July 2019

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### **Introduction**

As part of the City's efforts toward achieving Redevelopment Ready Community certification with the MEDC, it was recommended to the City that we update the Zoning Ordinance to conform in terminology with the Michigan Zoning Enabling Act (MZEA). The current City of Big Rapids Zoning Ordinance uses the term "Conditional Use" while the MZEA uses "Special Land Use". The terms have essentially the same meaning.

The MZEA is Act 110 of 2006 and codifies laws for local units of government regarding zoning ordinances and related topics. The amendments proposed here bring the City of Big Rapids' Zoning Ordinance in alignment with the MZEA as regards Special Land Uses.

### **Proposed Amendment**

See the attached Draft Ordinance which details the amendments to the Zoning Ordinance. The primary alteration is changing "Conditional Use" to "Special Land Use" throughout the document. Other alterations include changes to Article 10 "Conditional Use Permits" to bring the notice and procedures into alignment with the MZEA.

### **Action**

The Zoning Ordinance Amendment process requires a Public Hearing to be held and for the Planning Commission to recommend to the City Commission adoption of the amendment.

Staff is in favor of the Planning Commission recommending adoption of the proposed amendment to the City Commission.

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10 ~~Conditional~~ **Special Land** Use Permits

Article 2 – Definitions

2.2:20 ~~Conditional~~ **Special Land** Use – A ~~conditional~~ **special land** use is a use permitted in any given zone when such use is specified in Article 11 and only after review of the application for such use by the Planning Commission to assure that all specified conditions are met and approved by the City Commission.

2.2:58 Planning Commission – A board appointed by the City Commission to assist in the administration of this Ordinance. Duties of the Planning Commission include development and administration of this Ordinance, consideration of amendment of this Ordinance text or map, ~~or~~ for a ~~conditional~~ **special land** use permit request, and review of site plans.

Article 3 – District Regulations

3.2:2 Uses are permitted by right only if specifically listed as Uses Permitted by Right in the various zoning districts. Accessory uses are permitted as indicated for in the various zoning districts, and if such uses are clearly incidental to the permitted principal uses. ~~Conditional~~ **Special land** uses are permitted as listed and if the required conditions are met.

3.3:6 ~~Conditional~~ **Special Land** Uses:

3.4:6 ~~Conditional~~ **Special Land** Uses:  
The following uses are permitted subject to issuance of a ~~Conditional~~ **Special Land** Use Permit and subject to the conditions in Article 11:

3.5:6 ~~Conditional~~ **Special Land** Uses:  
The following uses are permitted subject to issuance of a ~~Conditional~~ **Special Land** Use Permit and subject to the conditions in Article 11:

3.6:1 Purpose:  
The R-3 The R-3 District is established to provide areas of higher density of residential development than is permitted in the R-1 and R-2 Districts. Regulations include uses permitted in the R-1 and R-2 Districts plus a single multiple-family dwelling and office structures are permitted uses. Two (2) or more multiple-family dwellings are allowed as a ~~Conditional~~ **Special Land** Use. Services, facilities and uses incidental or accessory to multiple-family dwellings are included. It is not intended to permit commercial, industrial or similar uses except as authorized by this Ordinance. In the R-3 Residential District no building or premises shall be used and no building shall be hereafter erected or altered, unless otherwise provided in this Ordinance, except for one or more of the following uses:

3.6:2 (2) Multiple-family dwellings. (Two or more multiple family dwellings on a single lot are regulated as a ~~Conditional~~ **Special Land** Use in this District.



- 3.6:6            ~~Conditional~~ **Special Land** Uses:  
The following uses are permitted subject to issuance of a ~~Conditional~~ **Special Land** Use Permit and subject to the conditions in Article 11:
- 3.8:1            Purpose:  
The “RR” District is established to provide for areas of transitional use between emerging commercial uses and established residential districts. The regulations include certain uses permitted in the Residential Districts such as multiple-family dwellings, duplexes and single-family homes, as well as uses permitted in certain commercial districts as ~~conditional~~ **special land** uses. Services, facilities and uses incidental or accessory to permitted uses are included. It is not intended to permit commercial or industrial uses defined in the Ordinance, except as authorized by this Ordinance. In the “RR” Restricted Residential District, no building or premises shall be used and no building shall be hereafter erected or altered unless otherwise provided in this Ordinance except for one or more of the following uses and subject to the following conditions and limitations.
- 3.8:6            ~~Conditional~~ **Special Land** Uses:  
The following uses are permitted subject to issuance of a ~~Conditional~~ **Special Land** Use Permit and subject to the conditions in Article 11:
- 3.9:6            ~~Conditional~~ **Special Land** Uses:  
The following uses are permitted subject to issuance of a ~~Conditional~~ **Special Land** Use Permit and subject to the conditions in Article 11:
- 3.10:6           ~~Conditional~~ **Special Land** Uses:  
The following uses are permitted subject to issuance of a ~~Conditional~~ **Special Land** Use Permit and subject to the conditions in Article 11:
- 3.11:6           ~~Conditional~~ **Special Land** Uses:  
The following uses are permitted subject to issuance of a ~~Conditional~~ **Special Land** Use Permit and subject to the conditions in Article 11:
- 3.12:1           Purpose  
The purpose of this District classification is to establish a zone where designated trades and light industries may locate, which produces a minimum amount of adverse effect upon surrounding premises of a higher use classification and which provides for more uniform and higher quality industrial land use. It is not intended to permit any residential or commercial development except as authorized by this Ordinance. Heavy industrial development is permitted within the district by ~~Conditional~~ **Special Land** Use Permit only.
- 3.12:7           ~~Conditional~~ **Special Land** Uses:  
The following uses are permitted subject to issuance of a ~~Conditional~~ **Special Land** Use Permit and subject to the conditions in Article 11:

Article 6 – Signs

- 6.4:1 One (1) freestanding sign for all principal and ~~conditional~~ **special land** uses and for Subdivisions, Condominiums, and Neighborhood Identification signs, with the exception of single and two-family dwellings. The sign has a maximum base area of twelve (12) sq. ft. and eight (8) feet in height. If the sign is six (6) feet or lower it is allowed an additional four (4) sq. ft. in size and if it has a dark or opaque background it is allowed an additional eight (8) sq. ft. in size. Freestanding signs must be setback a minimum of two (2) feet from any property line.
- 6.4:2 One (1) wall or awning sign per parcel for all principal and ~~conditional~~ **special land** uses with the exception of single and two-family dwellings. The sign has a maximum base area of twelve (12) sq. ft. and is allowed an additional six (6) sq. ft. if it has a dark or opaque background. The maximum height for the sign is ten (10) feet.
- 6.5:1 One (1) freestanding sign for all principal and ~~conditional~~ **special land** uses and for Subdivisions, Condominiums and Neighborhood Identification, with the exception of single and two-family dwellings. The sign has a maximum base area of twelve (12) sq. ft. and eight (8) feet in height. If the sign is six (6) feet or lower it is allowed an additional four (4) sq. ft. in size and if it has a dark or opaque background it is allowed an additional eight (8) sq. ft. in size. Freestanding signs must be setback a minimum of two (2) feet from any property line.
- 6.5:2 One (1) wall or awning sign per parcel for all principal and ~~conditional~~ **special land** uses with the exception of single, two-family and multi-family dwellings. The sign has a maximum base area of twelve (12) sq. ft. and is allowed an additional six (6) sq. ft. if it has a dark or opaque background. The maximum height for the sign is ten (10) feet.

Article 7 – Nonconforming Uses and Structures

- 7.1:5 (2) (c) A public hearing shall be held to review the request. The notice requirements for this hearing shall be the same as required for a review of a ~~Conditional~~ **Special Land** Use Permit as outlined in Section 10.3:4.
- 7.7 In case of a nonconforming use which is a use designated as a ~~Conditional~~ **Special Land** Use by this Ordinance, the nonconforming status may be removed upon issuance of a ~~Conditional~~ **Special Land** Use Permit after the appropriate action has been taken in accordance with the provisions of this Ordinance. It shall be the responsibility of the owner or person requesting the ~~Conditional~~ **Special Land** Use Permit to initiate the request in accordance with Section 10.2 of this Ordinance.

Article 9 – Site Plan Reviews

- 9.4:3 (8) Existing man-made features upon the site and within one hundred (100) feet of the same shall be disclosed (to determine compliance with any setback standards linked to structures on adjacent lots, or in the case of a ~~Conditional~~ **Special Land** Use Permit, to determine suitability of the site for the proposed use based on proximity to incompatible uses.)

- 9.12:6 In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the City, the City shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the City to complete the improvements for which it was posted, the applicant shall be required to pay the City the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee. Should the City use the performance guarantee or a portion thereof, to complete the required improvements, any amount remaining after said completion shall be applied first to the City's administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the City of Big Rapids to ensure completion of an improvement associated with the proposed project prior to the City's ~~conditional~~ **special land** approval, the applicant shall not be required to deposit with the City of Big Rapids a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the City and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the City of Big Rapids regarding the performance guarantee.

#### Article 10 – ~~Conditional~~ **Special Land** Use Permits

- 10.1 The development and execution of this Ordinance is based upon the division of the City into districts within which the uses of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighborhood land, of the public need for the particular use, or the particular location. Such ~~conditional~~ **special land** uses fall into two (2) categories:
- 10.2 This section outlines the procedures to be used to review proposed ~~conditional~~ **special land** uses for approval or denial.
- 10.2:1 Initiation of ~~Conditional~~ **Special Land** Use Permit Application. Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the ~~conditional~~ **special land** uses provided for in this Ordinance in the zoning district in which the land is located.
- 10.2:2 Application of ~~Conditional~~ **Special Land** Use Permit. An application for a ~~conditional~~ **special land** use shall be filed with the Zoning Administrator on the prescribed form. The application shall be accompanied by twelve (12) copies of a site plan meeting ~~meet~~ the requirements of Section 9.4 of this Ordinance, ~~and include any additional information required by the Neighborhood Services Department to demonstrate compliance with the provisions of this Ordinance.~~ The application shall include a statement in writing by the

applicant and adequate evidence showing that the proposed ~~conditional~~ **special land** use will conform to the standards set forth in Section 10.3:8. The application shall be accompanied by a fee established by the City Commission.

- 10.3:1 The complete ~~Conditional~~ **Special Land** Use Permit application shall be submitted to the Neighborhood Services Department at least twenty (20) days prior to the next regularly scheduled Planning Commission meeting.
- 10.3:2 The Zoning Administrator shall record the receipt of the application and plans and transmit one (1) copy to each member of the Planning Commission, one (1) copy to the Building Inspector, one (1) copy to the Department of Public Safety and one (1) copy to the Department of Public Services.
- 10.3:3 The Department of Neighborhood Services shall review the plan(s) in advance of the hearing to determine compliance with Section 9.4. (Site Plan Review) and Section 10.3:8 (~~Conditional~~ **Special Land** Use Permit).
- 10.3:4 The Planning Commission shall consider the submitted ~~Conditional~~ **Special Land** Use Permit application at a public hearing. Notice for the public hearing shall be **issued by the City of Big Rapids** ~~prepared~~ and shall include the date, time, place and ~~reason for the public hearing~~ **nature of the request. Notice shall indicate the property that is the subject of the request including a listing of all existing street addresses within the property. Notice shall indicate when and where written comments will be received concerning the request. Notice shall be provided not less than fifteen (15) days before the date the request will be considered.** Notice shall be as follows:
- (1) One (1) notice shall be published in a newspaper in general circulation in the City; ~~not less than five (5) days nor more than fifteen (15) days before the meeting at which the application will be considered.~~
  - (2) One (1) written notice shall be ~~sent by mail~~ **given** to all persons to whom real property is being assessed ~~and the residents of all structures within three hundred (300) feet of the boundary of the property in question, not less than five (5) days nor more than fifteen (15) days before the meeting at which the application will be considered.~~ **within three hundred (300) feet of the property that is the subject of the request and to the occupants of all structures within three hundred (300) feet of the subject property regardless of whether the property or structure is located within the City of Big Rapids. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.**

- (3) **One (1) written notice shall be sent by mail to the owners of the property that is the subject of the request.**

**Notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.**

10.3:5 Following the hearing, the Planning Commission shall recommend approval, **approval with conditions**, or denial of the site plan and ~~conditional special land~~ use permit application to the City Commission. In making their recommendation, the Planning Commission shall ~~identify~~ **include a statement of findings and conclusions relative to the special land use which specifies the basis for the decision concerning the standards how the application does or does not meet the requirements for approval of Site Plans in Section 9.6 and for Conditional Uses in Section 10.3:8 and explains any conditions imposed. Any proposed conditions shall be included in the recommendation, together with the reasons for such conditions.**

10.3:6 Following receipt of the Planning Commission’s Recommendation, the City Commission shall review the request for approval of the ~~Conditional Special Land~~ Use Permit and the Site Plan. The City Commission shall do one of the following:

- (1) Approve the ~~Conditional~~ **Special Land** Use Permit and Site Plan.
- (2) Approve the ~~Conditional~~ **Special Land** Use Permit and Site Plan with conditions **to be met prior to approval.**
- (3) Deny the ~~Conditional~~ **Special Land** Use Permit and/or the Site Plan.
- (4) Table the application for additional information or to conduct its own public hearing.

10.3:7 Basis for Decision. The City Commission shall incorporate their decision in a statement of conclusions relative to the ~~conditional special land~~ use under consideration. The decision shall specify the basis for the decision and any conditions ~~imposed.~~ **to be met prior to approval.**

10.3:8 Standards. No ~~conditional special land~~ use shall be recommended by the Planning Commission unless such Board shall find:

- (1) That the establishment, maintenance or operation of the ~~conditional special land~~ use will not be detrimental to or endanger the public health, safety or general welfare.
- (2) That the ~~conditional special land~~ use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor shall it substantially diminish and impair property values within its neighborhoods.



- (3) That the establishment of the ~~conditional~~ **special land** use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) That adequate utilities, access roads, drainage and necessary facilities have been or are being provided.
- (5) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
- (6) That the ~~conditional~~ **special land** use shall, ~~in all other respects~~ conform to the applicable regulations of the district in which it is located, any specific requirements established for that use in Article 11, ~~and to any additional~~ conditions of **approval** or procedures as specified in Section 10.4.

10.4 Prior to the granting of any ~~Conditional~~ **Special Land** Use, the Planning Commission may recommend, and the City Commission shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the ~~Conditional~~ **Special Land** Use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this Section. In all cases in which ~~Conditional~~ **Special Land** Uses are granted the City Commission shall require such evidence and guarantees as it may deem necessary to ensure compliance with the conditions stipulated in connection therewith are being and will be complied with.

10.5 Effect of denial of a ~~Conditional~~ **Special Land** Use

No application for a ~~Conditional~~ **Special Land** Use which has been denied wholly or in part by the City Commission shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change or conditions found to be valid by the Planning Commission and the City Commission.

10.6 Revocation of Conditional **Special** Land Use Permit

In any case where a ~~Conditional~~ **Special Land** Use has not been established within one (1) year after the date of granting such use, or when the use is abandoned for twelve (12) consecutive months authorization of that use shall automatically be null and void without further action by the Planning Commission or the City Commission.

#### Article 11 – Use Standards

11.1 The following uses are permitted either by right or by ~~Conditional~~ **Special Land** Use Permit in specified districts. In addition to meeting all applicable provisions contained within this Zoning Ordinance, the following uses must also meet the specified ~~design~~ standards listed for each.

11,1:1 Adult entertainment establishments may be permitted in the C-3 Commercial District via ~~Conditional~~ **Special Land** Use Permit when the following conditions are met:

- 11.1:1 (5) If employees or patrons of an adult entertainment establishment promote, offer, solicit, allow, or engage in acts of prostitution on the premises, the ~~Conditional~~ **Special Land Use Permit** may be suspended or revoked. No criminal charge need be brought for suspension or revocation of the ~~Conditional~~ **Special Land Use Permit** to occur. The Acts described in this subsection may be shown to have occurred by a preponderance of the evidence.
- 11.1:1 (6) Granting a ~~Conditional~~ **Special Land Use Permit** under these provisions shall be contingent upon the applicant(s) obtaining or maintaining an Adult Entertainment Establishment License.
- 11.1:2 Adult foster care small, medium, and large group homes may be permitted in any Residential District as a ~~Conditional~~ **Special Land Use** under the following conditions:
- 11.1:9 Heavier industrial uses such as specified in Section 3.12:5 may be permitted in the I Industrial District as a ~~Conditional~~ **Special Land Use** under the following conditions:
- 11.1:9 (3) Section 9.6 Criteria for Review for Sire Plan Review shall be utilized to determine the suitability of the manufacturing use for ~~Conditional~~ **Special Land Use** status.
- 11.1:10 Home occupations may be permitted in the R-P, R-1, R-2, R-3, and R-R Residential Districts as a ~~Conditional~~ **Special Land Use** under the following conditions:
- 11.1:10 (3) The principal structure for which the ~~Conditional~~ **Special Land Use** is requested must be the residence of the applicant. No such home occupation may be conducted in any accessory building.
- 11.1:11 Hospitals, sanatoriums, clinics, nursing and rest homes, and institutions for human care may be permitted in any Residential District as a ~~Conditional~~ **Special Land Use** under the following conditions:
- 11.1:13 Multiple-family dwellings may be permitted in the R-3 Residential District as a ~~Conditional~~ **Special Land Use** under the following conditions:
- 11.1:14 Municipal, County, State, and Federal Administration Buildings and Community Center Buildings may be permitted in the R-1 Residential District as a ~~Conditional~~ **Special Land Use** under the following procedures and conditions:
- 11.1:18 Owner-Occupied Condominiums may be permitted in the R-2 One and Two Family Residential Zone as a ~~Conditional~~ **Special Land Use** when the following conditions are met:
- 11.1:19 Planned Unite Development (PUD) shall be a ~~Conditional~~ **Special Land Use** within the R-3 Residential District as specified in this Ordinance. The following requirements shall apply in addition to all other applicable requirements of this Ordinance for the Residential Districts in which such uses are located.

- 11.1:19 (1) (a) Minimum Area. The minimum area for a PUD ~~Conditional~~ **Special Land** Use Permit shall not be less than five (5) contiguous acres of land. However, an area bounded on all sides by a public street, railroad, or other external barriers shall be considered for a PUD regardless of minimum acreage.
- 11.1:19 (1) (e) Approval. Approval by the City Commission of a sketch plan, detailed site plan, and ~~Conditional~~ **Special Land** Use permit for all planned unit developments is required.
- 11.1:19 (3) Nonresidential Uses Permitted Upon Review. A ~~Conditional~~ **Special Land** Use provision to permit the following uses within the district may be granted by the City Commission only after application has been made and reviewed in accordance with procedures established in this Ordinance.
- 11.1:19 (7) (a) General. Whenever a PUD is proposed, the developer shall apply for and secure approval of a ~~Conditional~~ **Special Land** Use Permit in accordance with procedures outlined in the ~~Conditional~~ **Special Land** Use article. Final approval of a detailed site plan shall be obtained from the City Commission.
- 11.1:19 (7) (g) Application for ~~Conditional~~ **Special Land** Use Permit and Detailed Site Plan Approval. After receiving approval of a Sketch Plan from the City Commission, the Applicant may prepare his ~~Conditional~~ **Special Land** Use Permit Application, including a detailed site plan, and submit it to the City Commission. The Detailed Site Plan shall meet the requirements contained in the Site Plan Review article of this Ordinance.
- 11.1:19 (8) Required Standards for Approval. The City Commission shall render its approval or disapproval and notify the applicant and the Zoning Administrator. The City Commission shall review the ~~Conditional~~ **Special Land** Use Permit application using the standards ~~contained in the Conditional Use Permit article~~ **Section 10.3:8**. The City Commission's review of the Detailed Site Plan shall, moreover include the following:
- 11.1:19 (9) Action on the ~~Conditional~~ **Special Land** Use Permit and Detailed Site Plan. The City Commission shall render its approval, disapproval, or approval with conditions or modifications and so notify the applicant and the Zoning Administrator.
- 11.1:19 (10) Revocation. In any case where construction on the multiple use developments has not commenced within one (1) year from the date of approval, the ~~Conditional~~ **Special Land** Use Permit shall be null and void.
- 11.1:19 (11) Effect of Approval. After a ~~Conditional~~ **Special Land** Use Permit and detailed site plan ~~has~~ **have** been approved and construction of any part thereof commenced, no other type of development will be permitted on the site without further approval thereof by the City Commission after proceedings conducted as in the original application. This limitation shall apply to successive owners.

- 11.1:19A      Planned Unit Residential Development (PURD) shall be a ~~Conditional~~ **Special Land Use** within R-1 and R-2 residential districts as specified in this Ordinance. The following requirement shall apply in addition to all other applicable requirements of this Ordinance for the residential districts in which such uses are located.
- 11.1:19A (1) (a)      Minimum Area. The minimum area for a PURD ~~Conditional~~ **Special Land Use** Permit shall not be less than five (5) contiguous acres of land. However, an area bounded on all sides by a public street, railroad, or other external barriers shall be considered for a PURD regardless of minimum acreage.
- 11.1:19A (1) (e)      Approval. Approval by the City Commission of a conceptual site plan and ~~Conditional~~ **Special Land Use** Permit and ~~approved~~ **approval** by the Planning Commission of a detailed site plan for all planned unit residential developments is required.
- 11.1:19A (2) (b)      The only nonresidential uses permitted within a Planned Unit Residential Development are those uses permitted in the district in which the project is located. Any uses requiring a ~~Conditional~~ **Special Land Use** Permit, will require a ~~Conditional~~ **Special Land Use** Permit as part of the PURD.
- 11.1:19A (4)      Application Procedure and Approval Process. Whenever any PURD is proposed, the developer shall apply for and secure approval of a ~~Conditional~~ **Special Land Use** Permit. The review and approval process shall be in accordance with procedures outlined in Article 10, with the following exceptions: 1) Both the Planning Commission and the City Commission shall hold public hearings on the request before the City Commission makes a final decision (in order to comply with Section 4b (5) of the City-Village Zoning Act) and 2) The conceptual site plan shall take the place of the site plan that is normally required to be submitted with a ~~Conditional~~ **Special Land Use** Permit application per Section 10.2:2 of this Ordinance.
- 11.1:19A (4) (a)      Application for Conceptual Site Plan and ~~Conditional~~ **Special Land Use** Permit Approval. So that the City and the developer can reach an understanding of what is being proposed, and what is required, the developer shall submit a conceptual site plan and ~~Conditional~~ **Special Land Use** Permit to the Planning Commission and City Commission. The conceptual site plan shall be drawn to approximate scale and shall clearly show the following information:
- 11.1:19A (4) (c)      The Planning Commission and the City Commission shall review the ~~Conditional~~ **Special Land Use** Permit application using the standards ~~contained in the Conditional Use Permit article~~ **Section 10.3:8** and the following additional standards:
- 11.1:19A (4) (d)      Following the Public Hearing. The City Commission shall within thirty (30) days, approve or disapprove the conceptual site plan and ~~Conditional~~ **Special Land Use** Permit or make conditions thereto and so notify the applicant of its decision.

- 11.1:19A (4) (e) Approval of Conceptual Site Plan. Approval of conceptual site plan and ~~Conditional~~ **Special Land** Use Permit shall not constitute approval of the detailed site plan, but shall be deemed an expression of approval of the layout as a guide to the preparation of the detailed plan. Conceptual site plan approval shall expire within one (1) year.
- 11.1:19A (4) (f) Request of Changes in Conceptual Site Plan. If it becomes apparent that certain elements of the conceptual site plan, as it has been approved by the City Commission, become unfeasible and in need of modification, the applicant shall then resubmit his entire conceptual site plan and ~~Conditional~~ **Special Land** Use Permit, as amended.
- 11.1:19A (4) (g) Application for Detailed Site Plan Approval. After receiving approval of a conceptual site plan and ~~Conditional~~ **Special Land** Use Permit from the City Commission, the applicant shall prepare their detailed site plan, and submit it to the Planning Commission. The Planning Commission shall review the detailed site plan following the procedures outlined in the Site Plan Review Article of this Ordinance.
- 11.1:19A (4) (h) (5) (1) Revocation. In any case where construction on the development has not commenced within one (1) year from the date of approval of the detailed site plan, the ~~Conditional~~ **Special Land** Use Permit shall be null and void.
- 11.1:19A (4) (h) (6) Effect of Approval. After a ~~Conditional~~ **Special Land** Use Permit and detailed site plan has been approved and construction of any part thereof commenced, no other type of development will be permitted on the site without further approval thereof by the Planning Commission after proceedings conducted as in the original application. This limitation shall apply to successive owners.
- 11.1:20 Planned Shopping Centers, Restaurants/Bars, Motels and Hotels and Drive-Through Establishments may be permitted in the C-1 Commercial **District** as a ~~Conditional~~ **Special Land** Use under the following conditions:
- 11.1:21 Public Parks, Golf Courses, Country Clubs, Tennis Courts, and Similar Recreational Uses may be permitted in the R-1 Residential District as a ~~Conditional~~ **Special Land** Use when all buildings are at least one hundred (100) feet from all property lines.
- 11.1:25 Fraternal Organization and Rooming Houses may be permitted in the R-3 Residential District as a ~~Conditional~~ **Special Land** Use under the following procedures and conditions:
- 11.1:26 Self-service storage facilities may be permitted in the C-1 Commercial District as a ~~Conditional~~ **Special Land** Use under the following procedures and conditions:



Article 13 – Zoning Board of Appeals

- 13.4 The ZBA shall have the power to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by an administrative official or body, such as the Zoning Administrator or Planning Commission in the enforcement of the provisions of this Ordinance. Decisions made by the City Commission regarding ~~Conditional~~ **Special Land** Use Permits shall be appealed to Circuit Court.

Article 14 – Amendments, Administration, and Enforcement

- 14.1:2 (2) Consider all matters pertaining to the amendment of this Ordinance text or map or for a ~~Conditional~~ **Special Land** Use Permit request.
- 14.3:5 Violation and Penalty. Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards required as conditions for the granting of variances or ~~Conditional~~ **Special Land** Use Permits, shall constitute violation of the City's Municipal Civil Infraction Ordinance, Chapter 99 of Title IX of the Big Rapids Code of Ordinances.

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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Zoning for Marihuana Businesses  
DATE: 10 July 2019

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### **Introduction**

As part of the City's ongoing considerations regarding whether to allow medical or recreational marihuana establishments within the City boundaries, the discussion around zoning for such businesses continues.

Three State of Michigan laws are currently in place to regulate marihuana businesses. These are the Michigan Medical Marihuana Act (MMMA) which establishes the patient/caregiver model, the Medical Marihuana Facilities Licensing Act (MMFLA), by which medical facilities are licensed by the State and located in municipalities that opt in, and the Michigan Regulation and Taxation of Marihuana Act (MRTMA) which permits recreational marihuana businesses to be licensed by the State and located in municipalities that do not opt out.

### **Draft Zoning Ordinance Amendment**

Staff have prepared a Draft Zoning Ordinance Amendment for Marihuana Facilities, attached. This draft ordinance amendment was written based on conversations from the Joint Meeting with the City Commission which was held on June 19, 2019, as well as example ordinances from the Comparison Communities from the Tables used at that same meeting.

The Draft ordinance suggests additions to the City of Big Rapids Zoning Ordinance in three areas:

- Article 2 Definitions,
  - Adds definitions for the relevant marihuana-related terms
- Article 3 District Regulations, and
  - Adds marihuana establishments as Principal Uses or Special Land Uses to the chosen districts, subject to conditions
- Article 11 Use Standards.
  - Adds the conditions for marihuana establishments. Includes general conditions that apply to all marihuana establishments as well as specific conditions for uses in the commercial districts and in the industrial district.

The buffer distance suggested at the previous meeting was 500 feet from K-12 schools. There is an outstanding question of whether to also buffer around Ferris State University property. Maps have been created which show the available property for each of the two marihuana establishment group types (commercial and industrial) both with and without also buffering around Ferris property, attached. The distance and uses buffered are still subject to change.

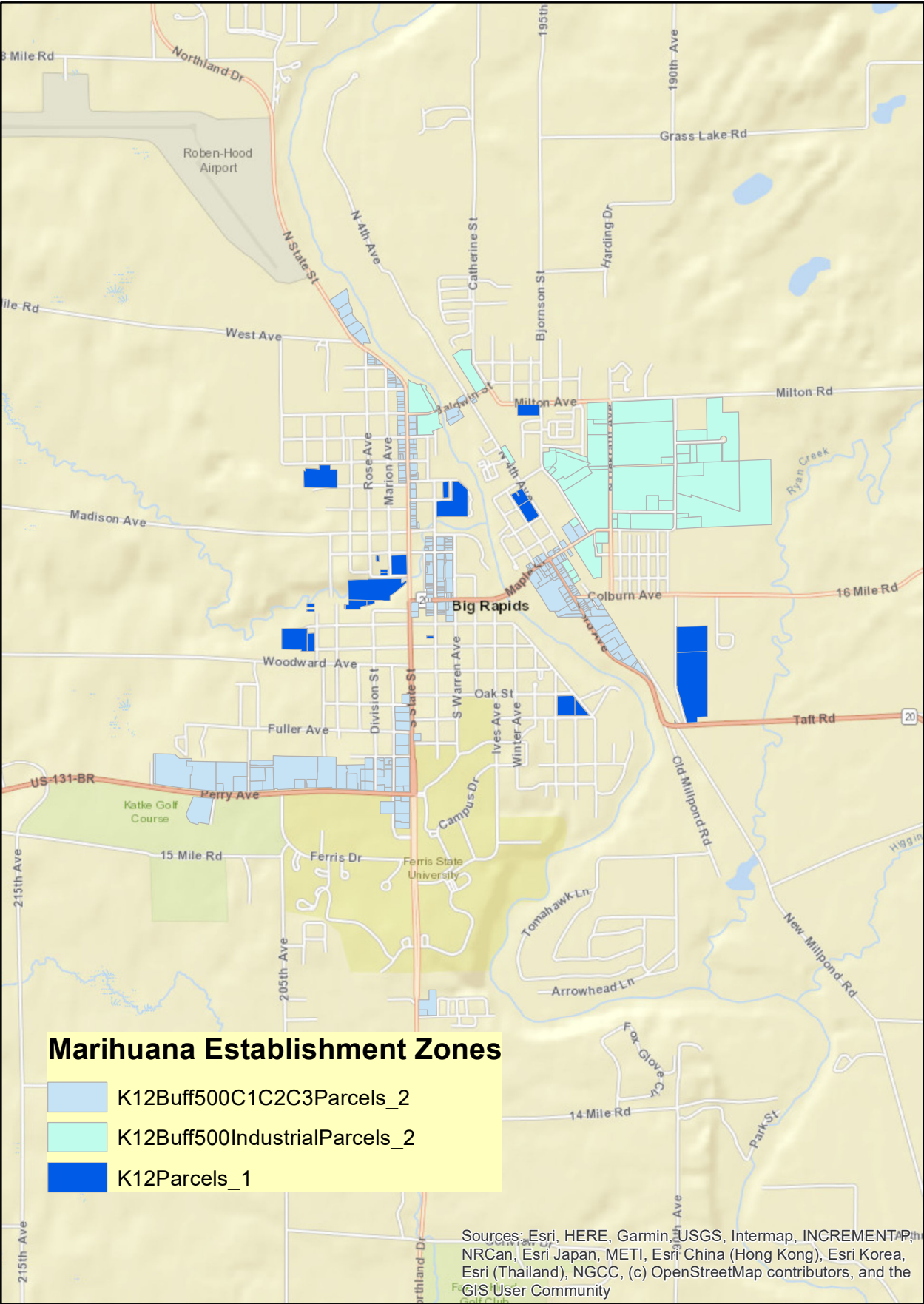
This Draft ordinance is intended to apply to all potential marihuana establishments, whether they be licensed under the Medical Marihuana Facilities Licensing Act (medical marihuana) or the Michigan Regulation and Taxation of Marihuana Act (adult use/recreational marihuana). These two laws do not have the same terminology or processes. However, as regards zoning, it is possible to address both concurrently.

### **Way Forward**

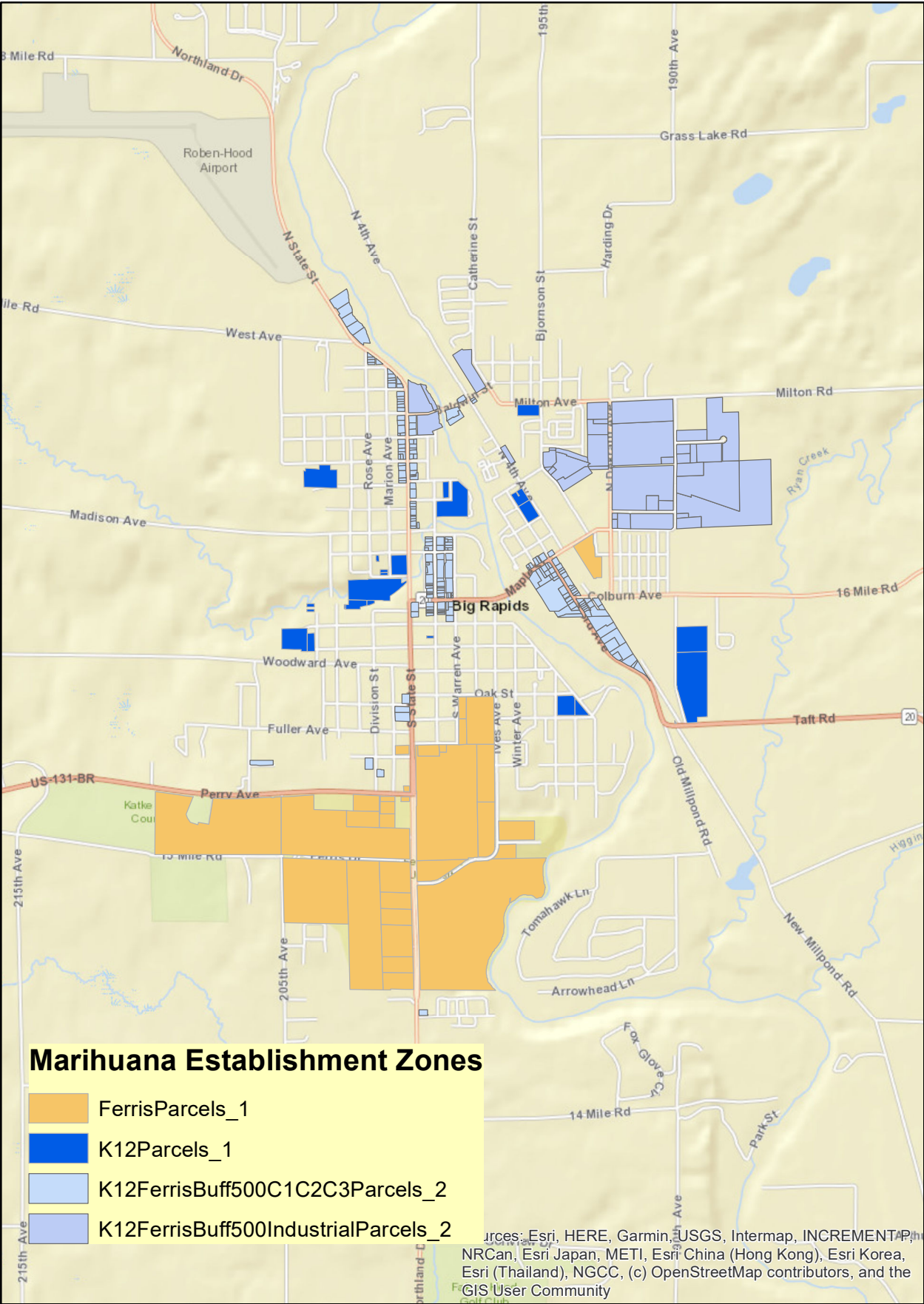
Please review the Draft Zoning Ordinance Amendment for Marihuana Facilities and Draft Marihuana Establishment Zones Maps to be prepared to engage in discussion on this topic.

The proposed timeline has the Planning Commission reviewing the Draft ordinance at the July meeting. A Public Hearing will be held and Recommendation to the City Commission made at the August meeting. City Commission will then see the Ordinance Amendment at one of their September meetings. They will also have to pass a Marihuana Establishments Licensing Ordinance, which will be separate from the Zoning Ordinance Amendments for Marihuana.

# Big Rapids Marihuana Establishment Zones



# Big Rapids Marihuana Establishment Zones





## **Definitions**

The following are proposed additions to Article 2 Definitions

LARA – The Michigan Department of Licensing and Regulatory Affairs.

MRA – The State of Michigan Marihuana Regulatory Agency.

Licensee – A person holding a state license.

Marihuana – All parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. It does not include industrial hemp.

Marihuana Establishment – A location at which a licensee is licensed to operate under one of the State of Michigan Marihuana laws.

Marihuana Grower – A person with a commercial license to cultivate, dry, trim, cure, and package marihuana and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana Microbusiness – A person with a commercial license to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

Marihuana Plant – Any plant of the species *Cannabis sativa* L. Marihuana plant does not include industrial hemp.

Marihuana Processor – A person with a commercial license to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana Retailer – A person with a commercial license to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older. Also called provisioning centers.

Marihuana Safety Compliance Facility – A person with a commercial license to test marihuana, including certification for potency and the presence of contaminants.

Marihuana Secure Transporter – A person with a commercial license to obtain marihuana from marihuana establishments in order to store and transport marihuana to marihuana establishments for a fee.

Municipal License – A license issued by a municipality that allows a person to operate a marihuana establishment in that municipality.

Registered Primary Caregiver – A primary caregiver who has been issued a current registry identification card under the Michigan medical marihuana act.

Registered Qualifying Patient – A qualifying patient who has been issued a current registry identification card under the Michigan medical marihuana act or a visiting qualifying patient as that term is defined in section 3 of the Michigan medical marihuana act, MCL 333.26423.

*Draft Zoning Ordinance Amendment for Marihuana Facilities*

**District Regulations**

The following are proposed additions to Article 3 District Regulations.

3.9:2 (3) (g) Marihuana establishments that are retailers, safety compliance facilities, or microbusinesses, subject to the conditions of Section 11.1:29.

3.10:2 (3) (j) Marihuana establishments that are retailers, safety compliance facilities, or microbusinesses, subject to the conditions of Section 11.1:29.

*[They will also be permitted in the C-3 as well, because of 3.11:2 (1) which permits “Any use permitted in the C-1 or C-2 Commercial Districts.”*

3.12:7 (4) Marihuana establishments that are growers, processors, or secure transporters, subject to the conditions of Section 11.1:29.

**Use Standards**

The following are proposed additions to Article 11 Use Standards:

11.1:29

Marihuana establishments may be permitted subject to the general and specific conditions below:

- (1) Conditions for all marihuana establishments
  - (a) All such establishments shall hold a valid License for the appropriate operation as issued by the State of Michigan.
  - (b) The Licensee shall have, or shall have applied for, a Municipal License as described in [refer to City Code of Ordinances section].
  - (c) No such facility shall be situated within 500 feet of a K-12 school, public or private [nor within 500 feet of a Ferris State University property].
  - (d) Those provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall be limited to two signs per establishment:
    - i. One wall sign affixed to the building containing a marihuana facility is permitted on the front wall of the building and shall not exceed twenty (20) square feet.
    - ii. One freestanding sign located on a lot containing a marihuana facility is permitted. The sign shall not exceed twelve (12) square feet in area nor 12 feet in height.
  - (e) No use of marihuana shall be permitted at the facility.
  - (f) The establishment shall be available for reasonable inspection, during business hours, by Code Enforcement Officials or Public Safety Officers to confirm the facility is operating in accordance with all applicable laws, including state law and city ordinances.
  - (g) A property owner shall have no vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment of this ordinance.
  - (h) A Zoning Permit or Special Land Use Permit may be issued conditionally, however no operation may commence or continue until the required Municipal License has been issued by the City Clerk and all conditions enumerated in [section of the City Code referring to Marihuana establishments] have been met.

*Draft Zoning Ordinance Amendment for Marihuana Facilities*

- (2) Marihuana retailers, safety compliance facilities, and microbusinesses may be permitted in the C-1, C-2, and C-3 Commercial Districts subject to the conditions below:
  - (a) The facility may only operate between the hours of 9AM to 9PM.
  - (b) The facility shall provide off-street parking and loading consistent with Article 5 of this Ordinance and shall be considered under Section 5.2 as Retail Sales and Rental of Goods, Merchandise and Equipment.
  - (c) The exterior appearance must be compatible with surrounding businesses with respect to façade type, ground floor opacity, site layout, etc.
  - (d) The interior of the facility must be arranged in such a way that neither marihuana nor marihuana-infused products are visible from the exterior of the facility.
  - (e) All activities, including all transfers of marihuana, shall be conducted within the building and out of public view. Drive-through, drive-up, or curb-side service facilities are prohibited.
- (3) Marihuana growers, processors, and secure transporters may be permitted as a special land use in the I Industrial District subject to the conditions below:
  - (a) No equipment or process shall be used in the processing which creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal sense beyond the property lines.
  - (b) All operations shall occur within an enclosed building and no marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.
  - (c) The facility shall provide off-street parking and loading consistent with Article 5 of this Ordinance and shall be considered under Section 5.2 as Manufacturing and Industrial Uses.
  - (d) Applicants must provide a plan for the storage and disposal of marihuana or chemicals associated with marihuana cultivation or processing to minimize the risk of theft or harm resulting from chemical exposure.
  - (e) Processes must be conducted in a manner to minimize adverse impacts on the City's wastewater treatment operations. The City's Public Works Department shall review all pertinent information related to wastewater discharges and shall provide any pertinent comments on to the Planning Commission.
  - (f) Co-located marihuana establishments and stacked grower licenses may be permitted, subject to the regulations of this Ordinance and any applicable rules promulgated by LARA.

# **Planning Commission**

## ***Special Meeting***

Big Rapids City Hall  
226 N Michigan Avenue

July 31, 2019  
6:30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes - None
5. Public Comment Not Related to Items on the Agenda
6. Public Hearing - None
7. General Business
  - a. Review Draft Zoning Ordinance Amendment for  
Marihuana Establishments
8. Unscheduled Business
9. Adjourn



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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Zoning for Marihuana Businesses – Special Meeting  
DATE: 31 July 2019

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### **Introduction**

As part of the City's ongoing considerations regarding whether to allow medical or recreational marihuana establishments within the City boundaries, the discussion around zoning for such businesses continues.

Three State of Michigan laws are currently in place to regulate marihuana businesses. These are the Michigan Medical Marihuana Act (MMMA) which establishes the patient/caregiver model, the Medical Marihuana Facilities Licensing Act (MMFLA), by which medical facilities are licensed by the State and located in municipalities that opt in, and the Michigan Regulation and Taxation of Marihuana Act (MRTMA) which permits recreational (adult-use) marihuana businesses to be licensed by the State and located in municipalities that do not opt out.

### **Draft Zoning Ordinance Amendment**

Staff have prepared a Draft Zoning Ordinance Amendment for Marihuana Facilities, attached, and included some minor alterations based on conversation at the July 17 meeting. This draft ordinance amendment was written based on conversations from earlier Planning Commission meetings on the topic, as well as Ordinances from other communities.

The Draft ordinance suggests additions to the City of Big Rapids Zoning Ordinance in three areas:

- Article 2 Definitions,
  - Adds definitions for the relevant marihuana-related terms
- Article 3 District Regulations, and
  - Adds marihuana establishments as Principal Uses or Special Land Uses to the chosen districts, subject to conditions
- Article 11 Use Standards.
  - Adds the conditions for marihuana establishments. Includes general conditions that apply to all marihuana establishments as well as specific conditions for uses in the commercial districts and in the industrial district.

This Draft ordinance is intended to apply to all potential marihuana establishments, whether they be licensed under the Medical Marihuana Facilities Licensing Act (medical marihuana) or the Michigan Regulation and Taxation of Marihuana Act (adult use/recreational marihuana). These two laws do not have the same terminology or processes. However, as regards zoning, it is possible to address both concurrently.

### **Points of Continued Discussion**

As evident at the July 17 meeting, a few sticking points exist when reviewing the Draft Zoning Ordinance for Marihuana Businesses. These have been called out below and options have been provided to help frame the conversation and lead to the best Ordinance for Big Rapids.

#### **Buffer Distances**

The buffer distance suggested at the June meeting was 500 feet from K-12 schools. There is an outstanding question of whether to also buffer around Ferris State University property. Maps have been created which show the available property for each of the two marihuana establishment group types (commercial and industrial) both with and without also buffering around Ferris property, attached. The distance and uses buffered are still subject to change.

Several additional maps have been provided for this meeting. They show a variety of different options for buffering, including versions with a 1,000 ft, a 750 ft, and a 500 ft buffer around K-12 Schools. Other options include a 500 ft buffer around all FSU property, or all FSU property except the Katke Golf Course and open space along Perry Ave.

As a reminder, the maps are provided as a reference tool, they are not intended to be part of the Ordinance. It will be incumbent upon applicants to prove they their proposed location meets the standards set in the Ordinance respecting the buffer chosen.

The Draft Ordinance currently proposes the following buffer A as a condition for all marihuana establishments. Alternative buffer conditions follow as additional letters:

- A. No such facility shall be situated within 500 feet of a K-12 school, public or private.
- B. No such facility shall be situated within 750 feet of a K-12 school, public or private.
- C. No such facility shall be situated within 1,000 feet of a K-12 school, public or private.
- D. No such facility shall be situated within 500 feet of a K-12 school, public or private, *nor within 500 feet of a Ferris State University property.*
- E. No such facility shall be situated within 500 feet of a K-12 school, public or private, *nor within 500 feet of a Ferris State University property excepting the golf course and open space to the immediate east and west of Ferris Dr.*

### Signs

The MRTMA states that municipalities may “establish reasonable restrictions on public signs related to marihuana establishments.” The Draft Ordinance currently proposes the following A as a condition for all marihuana establishments with alternate options following:

- A. Those provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall be limited to two signs per establishment:
  - i. One wall sign affixed to the building containing a marihuana facility is permitted on the front wall of the building and shall not exceed twenty (20) square feet.
  - ii. One freestanding sign located on a lot containing a marihuana facility is permitted. The sign shall not exceed twelve (12) square feet in area nor 12 feet in height.
- B. Those provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall be limited to *one sign* per establishment:
  - i. One wall sign affixed to the building containing a marihuana facility is permitted on the front wall of the building and shall not exceed twenty (20) square feet.
- C. Those provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall be limited to *one sign* per establishment:
  - i. One wall sign affixed to the building containing a marihuana facility is permitted on the front wall of the building and shall not exceed *twelve (12)* square feet.
- D. *Signs for marihuana establishments shall be regulated according to Article 6 of this Ordinance as allowed in the district they are located within.*

### Downtown

The question has again arisen regarding whether marihuana businesses should be permitted in the Downtown area. Staff have reviewed the Master Plan and the Downtown Blueprint and have found within no guidance from which to answer this question.

Staff have spoken with the DBA Director and had this topic put on the agenda for their next meeting on August 6<sup>th</sup>. The draft Ordinance as pertains to downtown will be presented at that meeting and their opinions sought, in advance of the Public Hearing on August 21<sup>st</sup>.

### **Conversations with Other Communities**

At the direction of the Planning Commission, staff reached out this past week to four comparison communities who have all adopted Zoning Ordinances for marihuana businesses. In the conversations staff asked three questions of these communities:

- What was your public process like?
- Do you permit marihuana businesses in your downtown?
- How is it going so far with these businesses being permitted and opening?

Staff from the Cities of Evart, Niles, and Ferndale were gracious enough to answer these questions. All worked through zoning for marihuana businesses over the course of several Planning Commission meetings, much as we are. In addition to the required formal Public Hearings, two communities also held public forums or listening sessions on the topic of marihuana businesses, though generally and not focused on zoning. None of the three currently permit these businesses in their downtowns, two because their local DDA was strongly against it and one because they chose to buffer from child care centers and have one in their downtown. None of the communities have had negative impacts to date due to the permitting of marihuana businesses in their City.

### **Way Forward**

Please review the Draft Zoning Ordinance Amendment for Marihuana Facilities and Draft Marihuana Establishment Zones Maps to be prepared to engage in discussion on this topic.

### **Timeline**

The proposed timeline has the Planning Commission continuing to refine the Draft ordinance at the July Special Meeting. A Public Hearing will be held and Recommendation to the City Commission made at the August 21 meeting. City Commission will then see the Ordinance Amendment at one of their September meetings.

The City Commission will have to write a Marihuana Establishments Licensing Ordinance, which will be separate from the Zoning Ordinance Amendments for Marihuana. Due to State deadlines for accepting adult-use marihuana business license applications, the City Commission is recommended to have all Ordinances in place and vote on a decision for or against permitting marihuana businesses in October.

## **Definitions**

The following are proposed additions to Article 2 Definitions

LARA – The Michigan Department of Licensing and Regulatory Affairs.

MRA – The State of Michigan Marihuana Regulatory Agency.

Licensee – A person holding a state license.

Marihuana – All parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. It does not include industrial hemp.

Marihuana Establishment – A location at which a licensee is licensed to operate under one of the State of Michigan Marihuana laws.

Grower – A person with a commercial license to cultivate, dry, trim, cure, and package marihuana and sell or otherwise transfer marihuana to marihuana establishments.

Microbusiness – A person with a commercial license to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

Marihuana Plant – Any plant of the species *Cannabis sativa* L. Marihuana plant does not include industrial hemp.

Processor – A person with a commercial license to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

Retailer – A person with a commercial license to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older. Also called provisioning centers.

Safety Compliance Facility – A person with a commercial license to test marihuana, including certification for potency and the presence of contaminants.

Secure Transporter – A person with a commercial license to obtain marihuana from marihuana establishments in order to store and transport marihuana to marihuana establishments for a fee.

Excess Marihuana Grower – A person, who already holds five adult-use Class C Grower licenses, and is given additional license to expand their allowable marihuana plant count.

Designated Consumption Establishment – A person with a license to operate a commercial space that is licensed by the MRA and authorized to permit adults 21 years of age and older to consume marihuana and marihuana products on premises.

Municipal License – A license issued by a municipality that allows a person to operate a marihuana establishment in that municipality.



**District Regulations**

The following are proposed additions to Article 3 District Regulations.

3.9:2 (3) (g) Marihuana establishments that are retailers, safety compliance facilities, microbusinesses, or designated consumption establishments, subject to the conditions of Section 11.1:29.

3.10:2 (3) (j) Marihuana establishments that are retailers, safety compliance facilities microbusinesses, or designated consumption establishments, subject to the conditions of Section 11.1:29.

*[They will also be permitted in the C-3 as well, because of 3.11:2 (1) which permits "Any use permitted in the C-1 or C-2 Commercial Districts."*

3.12:7 (4) Marihuana establishments that are growers, excess growers, processors, safety compliance facilities, or secure transporters, subject to the conditions of Section 11.1:29.

**Use Standards**

The following are proposed additions to Article 11 Use Standards:

11.1:29

Marihuana establishments may be permitted subject to the general and specific conditions below:

- (1) Conditions for all marihuana establishments
  - (a) All such establishments shall hold a valid License for the appropriate operation as issued by the State of Michigan.
  - (b) The Licensee shall have, or shall have applied for, a Municipal License as described in [refer to City Code of Ordinances section].
  - (c) No such facility shall be situated within 500 feet of a K-12 school, public or private [nor within 500 feet of a Ferris State University property].
  - (d) Those provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall be limited to two signs per establishment:
    - i. One wall sign affixed to the building containing a marihuana facility is permitted on the front wall of the building and shall not exceed twenty (20) square feet.
    - ii. One freestanding sign located on a lot containing a marihuana facility is permitted. The sign shall not exceed twelve (12) square feet in area nor 12 feet in height.
  - (e) The use of marihuana is prohibited at all licensed marihuana establishments, excepting designated consumptions establishments.
  - (f) The establishment shall be available for reasonable inspection, during business hours, by Code Enforcement Officials or Public Safety Officers to confirm the facility is operating in accordance with all applicable laws, including state law and city ordinances.
  - (g) A property owner shall have no vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment of this ordinance.
  - (h) A Zoning Permit or Special Land Use Permit may be issued conditionally, however no operation may commence or continue until the required Municipal License has been issued by the City Clerk and all conditions enumerated in [section of the City Code referring to Marihuana establishments] have been met.
  - (i) Co-located marihuana establishments and stacked grower licenses may be permitted subject to the regulations of this Ordinance and any applicable rules promulgated by LARA.

- (2) Marihuana retailers, safety compliance facilities, microbusinesses, and designated consumption establishments may be permitted in the C-1, C-2, and C-3 Commercial Districts subject to the conditions below:
  - (a) The facility may only operate between the hours of 9AM to 9PM.
  - (b) The facility shall provide off-street parking and loading consistent with Article 5 of this Ordinance and shall be considered under Section 5.2 as Retail Sales and Rental of Goods, Merchandise and Equipment.
  - (c) The exterior appearance must be compatible with surrounding businesses with respect to façade type, ground floor opacity, site layout, etc.
  - (d) The interior of the facility must be arranged in such a way that neither marihuana nor marihuana-infused products are visible from the exterior of the facility.
  - (e) All activities, including all transfers of marihuana, shall be conducted within the building and out of public view. Drive-through, drive-up, or curbside service facilities are prohibited.
- (3) Marihuana growers, excess growers, processors, safety compliance facilities, and secure transporters may be permitted as a special land use in the I Industrial District subject to the conditions below:
  - (a) No equipment or process shall be used in the processing which creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal sense beyond the property lines.
  - (b) All operations shall occur within an enclosed building and no marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.
  - (c) The facility shall provide off-street parking and loading consistent with Article 5 of this Ordinance and shall be considered under Section 5.2 as Manufacturing and Industrial Uses.
  - (d) Applicants must provide a plan for the storage and disposal of marihuana or chemicals associated with marihuana cultivation or processing to minimize the risk of theft or harm resulting from chemical exposure.
  - (e) Processes must be conducted in a manner to minimize adverse impacts on the City's wastewater treatment operations. The City's Public Works Department shall review all pertinent information related to wastewater discharges and shall provide any pertinent comments on to the Planning Commission.

# **Planning Commission**

## ***Regular Meeting***

Big Rapids City Hall  
226 N Michigan Avenue

August 21, 2019  
6:30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
  - a. July 17, 2019
  - b. July 31, 2019
5. Public Comment Not Related to Items on the Agenda
6. Public Hearing
  - a. Rezoning Application for 415 N State St from Restricted Residence District (RR) to Commercial 3 District (C-3)
  - b. Text Amendment to the Zoning Ordinance to add regulations for Marihuana Businesses
7. General Business
8. Unscheduled Business
9. Adjourn

**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
July 17, 2019**

Acting-Chairperson Tim Vogel called the July 17, 2019, meeting of the Planning Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Josh Foor, Paul Jackson, Rory Ruddick, Tim Vogel, Bill Yontz

**EXCUSED** Renato Cerdena, Chris Jane

**ABSENT**

**ALSO PRESENT** Paula Priebe, Neighborhood Services Director  
Cindy Plautz, Neighborhood Services Coordinator  
Mark Gifford, City Manager  
Eric Williams, City Attorney

There were 14 people in the audience.

**APPROVAL OF MINUTES**

**Motion was made by Paul Jackson, seconded by Bill Yontz, to approve the minutes of the June 19, 2019, meeting of the Planning Commission as presented.**

**Motion passed with all in favor.**

**PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA**

None

**PUBLIC HEARING**

**Amendment to the Zoning Ordinance to change the term “Conditional Use” to “Special Land Use.”**

**Staff Report**

Priebe reviewed her staff report saying that the amendment is in line with efforts to achieve Redevelopment Ready Community certification. It is recommended the City update the Zoning Ordinance to conform in terminology with the Michigan Zoning Enabling Act (MZEA).



Currently the City uses the term “Conditional Use” and we are considering changing the term to “Special Land Use”. The request will change this terminology throughout the Zoning Ordinance and also in Article 10 “Conditional Use Permits” to bring the notice and procedures into alignment with the MZEA.

Staff is in favor of the Planning Commission recommending adoption of the proposed amendment to the City Commission.

Jackson asked if there are any differences unique to Conditional Use as opposed to Special Land Use. Priebe thoroughly reviewed the Ordinance and concluded that they are one in the same and there would still be the same conditions on Special Land Use.

Acting Chairperson Vogel opened the Public Hearing at 6:36 PM.

**Those Who Spoke in Favor:** None heard.

**Those Who Spoke in Opposition:** None heard.

**Telephonic or Written Correspondence Received by Staff:** None

Acting Chairperson Vogel closed the Public Hearing at 6:37 PM and the Commission entered into Fact Finding. None heard.

### **Motion**

**Motion was made by Bill Yontz, seconded by Paul Jackson to recommend to the City Commission, the adoption of the proposed Zoning Ordinance Amendment (Attached) to change the term “Conditional Use” to “Special Land Use” in conformance with the Michigan Zoning Enabling Act.**

### **GENERAL BUSINESS**

#### **Review of the Draft Ordinance Amendment for Marihuana Establishments**

Priebe reviewed her staff report saying that the on-going discussion of zoning for marihuana establishments continues. She has prepared a draft Zoning Ordinance Amendment for Marihuana Facilities based on conversations from the Joint Meeting with the City Commission and ordinances from other communities.

The three areas of the Zoning Ordinance to be amended are as follows:

- 1) Article 2 Definitions – adds definitions for the relevant marihuana-related terms.
- 2) Article 3 District Regulations – adds marihuana establishments as Principal Uses or Special Land Uses to the chosen districts, subject to conditions.

- 3) Article 11 Use Standards – adds the conditions for marihuana establishments and includes general conditions that apply to all marihuana establishments as well as specific conditions for uses in the Commercial Districts and in the Industrial District.

In previous buffering discussions, the Commission identified 500 ft. from K-12 schools as appropriate. Whether or not to include Ferris State University in the buffering area has not yet been decided. Maps have been provided to show the properties that would be available for marihuana establishments if FSU is either included, or is not included, in the 500 ft. buffering area. The maps are not a part of the Ordinance. Priebe suggested that when an individual wishes to make an application for a license, it would be their responsibility to make sure the property they select for their business is zoned for that business.

Ruddick asked if FSU is in favor of the buffering area. From information Gifford attained at meetings with FSU, they may be in favor of the buffering. An audience member from FSU said that he personally would like to see it buffered but he couldn't speak for FSU administration. He added that marihuana is not allowed on campus and is a civil infraction for anyone under 21 years old. The subject will be discussed further.

The number of feet designated for the buffer zone was discussed. It is intended to protect the K-12 age students. The City could go to 1,000 ft but it would eliminate a lot of potential properties that would be available for marihuana establishments. Ruddick asked if there is currently a buffer zone for bars. There is not.

It was confirmed that a property allowed for a marihuana establishment cannot have another business in the same location and the proprietor must be licensed by the State.

Priebe discussed the additions to Article 2 Definitions and added a few more license types that were recently added at the State level. They include:

- 1) Marijuana Event Organizer
- 2) Temporary Marihuana Event
- 3) Designated Consumption Establishment
- 4) Excess Marihuana Grower

## **District Regulations**

The following are proposed additions to Article 3:

- 1) 3.9:2 (3) (g) Marihuana establishments that are retailers, safety compliance facilities, or microbusinesses, subject to the conditions of Section 11.1:29 (C-1)
- 2) 3.10:2 (3) (j) Marihuana establishments that are retailers, safety compliance facilities, or microbusinesses, subject to the conditions of Section 11.1:29 (C-2)
- 3) 3.11:2 (1) C-3 includes all uses allowed in C-1 and C-2
- 4) 3.12:7 (4) Marihuana establishments that are growers, processors, or secure transporters, subject to the conditions of Section 11.1:29.

Jackson asked if the events should be limited to the same geographic areas, but Williams said events are not a zoning use. Priebe added that they would need a special one-time permit, whereas zoning is a permanent usage. The events, however, could be buffered from certain areas.

## **Use Standards**

Priebe reviewed the proposed additions to Article 11, Use Standards presented in her staff report which included:

- 1) Conditions for all marihuana establishments
- 2) Conditions under which marihuana retailers, safety compliance facilities, and microbusinesses may be permitted in the C-1, C-2, and C-3 Commercial Districts
- 3) Conditions under which marihuana growers, processors, and secure transporters may be permitted as special land use in the I Industrial District

It was mentioned that we need to address the regulations for signs at marihuana establishments.

The new uses added by the State will need to be added to the Use Standards. Suggestions were made that the Consumption Facility could be added to C-1, 2 & 3, and the Excess Grower could be added in the Industrial District.

Foor asked what the vision is for the downtown and had concerns of allowing Marihuana Establishments in the downtown. He thought it was unusual that the Downtown Business Association didn't have concerns. Gifford added that they didn't have a lot of response when he first talked to them about it. Williams also reported that he heard no negative response from the DBA. Priebe said that the building being used for marihuana purposes must fit into the community and there can not be any visible marihuana from the outside.

An audience member added that concerns are overblown, and that people will use it at home.

Vogel was concerned about signage for the establishments and thought the ordinance should start out more restrictive.

Odors were discussed and Priebe said odors can be addressed in licensing which could require an odor control plan. The Planning Commission could also regulate odor by making the control of it a condition of the Zoning Ordinance.

An audience member suggested that technology has improved over the years since reports were made and perhaps now there are filtration systems that can handle the odor more efficiently. Jackson wondered if perspective entrepreneurs would object to the restrictions. Williams theorized that the entrepreneurs won't object to strict regulations at the beginning and we should design the regulations to fit the community.

The Planning Commission members were in agreement with the 500 ft. buffer. Priebe added that if a 1000 ft buffer is used, it would limit the C-2 to about 6 eligible properties. Overlay zones could be used to buffer around anything. Williams added that if there are limited sites available, people will buy overpriced properties which could be undesirable.

Foor asked about the initiative for placemaking in the downtown and wondered if allowing marihuana establishments in the downtown would be counter intuitive. He added that making marihuana use legal in Michigan and allowing marihuana establishments in Big Rapids is a new concept and wondered if we should wait a couple of years to see what happens in other communities. Williams stated that the City Commission asked the Planning Commission to come up with zoning regulations in the event that they opt into allowing marihuana establishments in Big Rapids so that we are ready with regulations. The City Commission will make the decision. Recreational marihuana will happen unless we opt out, so we need to have the Zoning Ordinance ready. The State will be accepting applications for the State license November 1<sup>st</sup>.

Priebe added that the Ordinance will be in place and ready for whichever direction the City Commission decides to go both now and in the future.

Foor asked if the Planning Commission could make a recommendation to the City Commission about opting in or out.

The Commission discussed the following topics:

- Buffering – measurement is from property line to property line
  - Should FSU be buffered? If so, should Katke Golf Course be buffered? If buffered, no marihuana businesses would be allowed in the strip mall along Perry.
- Downtown - Should marihuana businesses be allowed downtown? If the DBA doesn't seem to have a problem with it, why not allow?
  - How would marihuana business differ from an establishment that serves alcohol?
  - Would marihuana businesses in downtown affect the community feel?
- Research - Have other communities of our size been researched to see what they are doing and how they have come to their decision?
  - Priebe has researched other communities and their zoning regulations are all over the board.

Audience Comments:

- Marihuana businesses could be located on the second floor of downtown businesses with a small sign on the building. This would address the concern of being too prominent in the downtown. The individual though this type of business would benefit the downtown.
- Listen to the citizens and DBA.
- Decide what is best for the community, not for financial gain of the proprietor.
- Other communities in Mecosta County have not allowed.
- Research of other communities was performed and found that those that opted in, didn't have community involvement. Those that opted out, had community involvement.
- Dangerous near schools, afraid of allowing.
- This seems to be all about money, wait and see what other communities are doing
- Is there an increase in crime leading to the need for additional police?
- The Real Estate industry is opposed to marihuana.
- Cities are postponing recreational and opting in for medical.
- Be mindful of potential noise, smoke, odor.
- Those community members who need medical marihuana have to travel many miles to purchase, or it is purchased illegally here.
- The people of Big Rapids voted in favor of legalizing marihuana.

A letter (attached) was received from Brian Thiede, Mecosta County Prosecuting Attorney, who wanted to share his thoughts concerning the open selling of marihuana. He believes that there will be an increased need for additional Police enforcement and believes that FSU should be buffered from and marihuana establishments.

Priebe has found no major issues or concerns in the communities that she researched, but she is willing to do more research if needed.

The Commission decided that they would like more research and discussion and would like to hold a special Planning Commission meeting on August 31, 2019. After this meeting it is hoped that enough information will be given to finalize the draft amendment to the Zoning Ordinance and at the August meeting recommendation can be made to the City Commission for their September meeting.

### **830 Water Tower**

Construction nearly finished and some tenants have moved in to the completed units. There will be an event held when all complete.

**There being no further business, Acting Chairperson Vogel closed the meeting at 8:20 PM with all in favor.**

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary



**CITY OF BIG RAPIDS  
SPECIAL  
PLANNING COMMISSION MINUTES  
July 31, 2019**

Vice-Chairperson Chris Jane called the July 31, 2019, meeting of the Special Planning Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Josh Foor, Paul Jackson, Chris Jane, Rory Ruddick, Tim Vogel, Bill Yontz

**EXCUSED** Renato Cerdena

**ABSENT**

**ALSO PRESENT** Paula Priebe, Neighborhood Services Director  
Cindy Plautz, Neighborhood Services Coordinator  
Jim Eddinger, Public Safety Director  
Eric Williams, City Attorney

There were 13 people in the audience.

**APPROVAL OF MINUTES**

None

**PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA**

None

**PUBLIC HEARING**

None

**GENERAL BUSINESS**

**Review of the Draft Ordinance Amendment for Marihuana Establishments**

Priebe reviewed her staff report saying that the on-going discussion of zoning for marihuana establishments continues. She has prepared a draft Zoning Ordinance Amendment for

Marihuana Facilities based on previous Planning Commission conversations and from ordinances already in place in other communities.

The three areas of the Zoning Ordinance to be amended are as follows:

- 1) Article 2 Definitions – adds definitions for the relevant marihuana-related terms.
- 2) Article 3 District Regulations – adds marihuana establishments as Principal Uses or Special Land Uses to the chosen districts - subject to conditions.
- 3) Article 11 Use Standards – adds the conditions for marihuana establishments and includes general conditions that apply to all marihuana establishments as well as specific conditions for uses in the Commercial Districts and in the Industrial District.

The Zoning Ordinance will apply to all potential marihuana establishments for both medical and recreational marihuana.

Priebe reviewed a time line saying that at the August 21<sup>st</sup> Planning Commission meeting, a Public Hearing will be held on the proposed Zoning Ordinance amendment and the Commission will make a recommendation to the City Commission. They will consider the recommendation at one of their September meetings. The City Commission will be responsible for writing a Marihuana Establishment Licensing Ordinance and vote for or against permitting marihuana businesses in October.

At this meeting, the buffer zone, signage for marihuana businesses and whether or not to allow marihuana businesses in the downtown will be discussed.

### Buffer Zone

In previous buffering discussions, the Commission identified 500 ft. from K-12 schools as appropriate. Whether or not to include Ferris State University in the buffering area has not yet been decided. Maps have been provided to show the properties that would be available for marihuana establishments if FSU and the golf course area are either included, or not included, in the 500 ft. buffering area. Additional maps showing a 1,000 ft. and 750 ft. buffering zone are in the process of being made but are not yet available. The maps will not be a part of the Ordinance.

The Commission discussed which of the suggested buffering options they would like included in the Zoning Ordinance and they agreed upon letter A) No such facility shall be situated within 500 ft. of a K-12 school, public or private. This decision could still be changed at other public hearings if FSU decides they would like to be buffered.

## Signage

State law says that municipalities may establish reasonable restrictions on public signs related to marihuana establishments. Priebe provided 4 options, but currently the draft Zoning Ordinance follows:

- (A) Those provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall be limited to two signs per establishment:
  - i. One wall sign affixed to the building containing a marihuana facility is permitted on the front wall of the building and shall not exceed twenty (20) square feet.
  - ii. One free-standing sign located on a lot containing a marihuana facility is permitted. The sign shall not exceed twelve (12) square feet in area nor 12 feet in height.

The freestanding sign language is included in consideration of Perry Street businesses. The Commission discussed the height of free-standing signs and decided that lower signs are better than tall signs. But, decided to only allow one sign per marihuana establishment which could be either one wall sign or one free standing sign. They also discussed illumination of signs, and digital/scrolling signs and decided not to allow. The Commission decided that option A should read as follows:

- (A) Those provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall be limited to one sign per establishment, either:
  - i. One wall sign affixed to the building containing a marihuana facility is permitted on the front wall of the building and shall not exceed twenty (20) square feet, OR
  - ii. One free-standing sign located on a lot containing a marihuana facility is permitted. The sign shall not exceed twelve (12) square feet in area nor 4 feet in height,

The option will be updated to include language that prohibits digital/scrolling and illumination.

## Downtown

There has still not been a lot of conversation/feedback from the DBA concerning whether or not to allow marihuana establishments in the downtown. Priebe will attend the DBA meeting on August 6<sup>th</sup> and will review the proposed Ordinance giving them another opportunity to weigh in on whether or not to allow marihuana establishments in the downtown.

In her research of other communities (Evert, Niles and Ferndale), Priebe found that 2 communities elected not to allow marihuana establishments in the downtown and one was prohibited due to the presence of a downtown day care center. She advised that the decision

should be based on what is best for our community. The other communities followed a similar process to ours where the Planning Commission held meetings. They also held community visioning meetings but did not necessarily focus on zoning.

Vogel suggested the use be prohibited in the downtown as this is a new concept, and perhaps if it seems fitting, could be added in the future. Foor agreed.

The downtown could allow medical and recreational retail, but the Commission was not in favor of allowing Designated Consumption Establishments in the downtown. Jane added that consumption could be ruled out in the C-2 district but could be left in for the other districts.

Jane noted the proposed amendment to Article 11, #2 did not include anything about odor. Priebe said that odor is addressed for Industrial uses. If the Designated Consumption Establishments are allowed, they would have to be monitored for odor also. She will add odor control in #1 of Article 11 for all businesses.

The marihuana establishments would be regulated so that business is kept out of sight of passersby. There could be a waiting room up front and each patron could go to the back, or out of sight to accomplish their transaction.

Vogel added that the public hearing will allow more community opinions to be heard. He suggests a conservative approach.

Ruddick feels that if retail is allowed in other commercial areas, then it should be allowed in all commercial. Jane said he sees his point, but also sees reason to hold off in the downtown area. Foor said marihuana establishments do not fit the vision of a family friendly downtown.

As the Commission was taking a conservative approach to allowing marihuana establishments in the downtown, Priebe said she will take 3.10:2 (3) (j) (the C-2) out of District Regulations in Article 3.

It was determined that hours of operation should be from 9:00 a.m. to 9:00 p.m.

Foor was still interested in the Planning Commission making a recommendation to the City Commission that the City wait 3 years to see what happens elsewhere before permitting. Jackson added that if the City Commission opts in, there is no good way of opting back out.

Williams stated that the Planning Commission needs to make the amendment to the Zoning Ordinance as the City Commission requested and if warranted, could make the other recommendation later.

Priebe added that the Zoning Regulations will cover both medical and recreational establishments. The City Commission could consider medical now and recreational later if they choose.

Ruddick asked about Priebe's review of other communities that allow marihuana establishments and what their experience has been thus far. Lansing has a Grow Facility and Evart has a Provisioning Center with a Growing Facility to open soon. These establishments could be visited if any Commissioner wished to view them first hand. Priebe also reported that of those who have allowed marihuana establishments, they say things are going well. They are community minded in that they give back to the community, which in turn, spurs the giving nature of additional community businesses.

Eddinger said he spoke with the Police Chief from Adrian who reports no increase in crime since they have allowed marihuana establishments. They have 3 to 4 businesses open and have not seen any dramatic changes in the community. He said we can't really compare Big Rapids to Colorado or California. The black market will still be present. There has not been a study done as to the consequences of allowing marihuana establishments. Williams found through his research, that there has not been an increase in municipal enforcement activities due to allowance of marihuana establishments in other communities, and they have not had to hire additional personnel. However, there is an increase in clerical involvement due to licensing procedures.

#### Remarks from the Audience

Bill Routely, 1491 Catherine Street, wondered why churches and day care centers were not being buffered.

Annette Jackson, 229 Mill Street, wondered about public education offices and if they should be buffered. She also said that the MOISD has an office downtown and wasn't sure how old the students who attended are, but that the MOISD is very strict about drugs and even frown upon the use of mouthwash containing alcohol.

Monica Pittiglio, 19700 14 Mile Road, said she would like the Commission to reconsider their stance on eliminating marihuana establishments in the C-2 (downtown). She reported that the only dispensary is located 25 miles away in Evart and thinks it is not fair to people who rely on medical marihuana – especially the elderly in our retirement facilities. Allowing marihuana establishments in the downtown could bring people from miles away to our city, who would most likely spend money at other local businesses.

Jesse Cocking, 222 S Michigan Avenue, he is part owner of Lighttouch Tattoo and sees no issue and has no fears about marihuana establishments in the downtown. However, he is not in favor of Designated Consumption Establishments in the downtown.



Jerry Boman, 302 S Stewart, stated that he would be in favor of marihuana establishments in the downtown and agreed with Pittiglio. With the senior living buildings located downtown he thinks the elderly could benefit from the proximity to available medical marihuana. He stated that those that attend the downtown MOISD are 18 years of age and older. He favors closing the businesses at 9:00 or sooner and would not like to see the sale of marihuana available in bars.

The Commission discussed baking marihuana into eatable items and Priebe said those interested in this type of business would have to get a Special Use Permit for a home-based business.

There being no further business Vice Chairperson Jane closed the Planning Commission at 7:45 p.m. with all in favor.

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary

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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Rezoning Application – 415 N State St  
DATE: 21 August 2019

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### **Introduction**

Applicant Michael Erlewine is applying for a Rezoning for the property at 415 N State St, from Restricted Residence (RR) to Commercial (C-3). This property is located on the west side of the City. The property contains a house, a detached garage, and an accessory building that is used as a library and recording studio. There is a long history of this property being combined with the neighboring house and both used as commercial space, then they were split again with one remaining commercial and the other becoming residential again.

Attachments include a Location Map of the property, excerpts from the Zoning Map and the Future Land Use Map, images of the property, and the Application. Also included are several records from 1994 when the accessory building was permitted, including the original application, a staff report, and minutes from the Zoning Board of Appeals meeting when a variance was granted.

### **Rezoning Process and Procedure**

The Rezoning Application was received by the Neighborhood Services Department on 31 July 2019. All Rezoning Applications require a Public Hearing. Notice was posted in the Big Rapids Pioneer on Thursday 8 August, notice was sent to all property owners within 300 feet of 415 N State St, and notice was placed on a sign at the property. Staff received 1 call from neighbors in advance of the hearing.

A Rezoning, also called a Map Amendment, is a request to change the zoning of a property from one type to another type to permit a change of use.

### **Relevant Zoning Districts**

When considering a rezoning request, it is vital to understand the current and proposed zoning district for the property in question. The two relevant zoning districts in this case are the Restricted Residence District (RR) and the Commercial 3 District (C-3). Excerpts from the purpose statements of each of those districts are included below for reference.

#### **Restricted Residence District (RR)**

The “RR” District is established to provide for areas of transitional use between emerging commercial uses and established residential districts. The regulations include certain uses permitted in the Residential Districts ... as well as uses permitted in certain commercial districts and conditional uses.

Principal Uses in the RR District include all those uses permitted in the R-3 District (such as single- and multi-family residences, licensed child care homes and centers, bed and breakfasts,

churches, schools, and office buildings), medical clinics and doctors offices, offices, funeral parlors, barber shops and beauty parlors, and banks. More general retail, personal service, convenience goods shops, and restaurants are permitted as Special Land Uses in the RR District.

### **Commercial 3 District (C3)**

The C-3 District is established to provide areas of commercial development which require large exterior spaces for storage, display or sale of merchandise, or commercial uses which depend upon continual movement of vehicular traffic. It is not intended to permit residential or industrial development except as authorized by this Ordinance.

Principal uses for the C-3 District are myriad and include any use permitted in the C-1 and C-2 Districts, as well as many other types of general retail establishments, personal service establishments, establishments with limited processing of materials, greenhouses, and any other business use that is not a nuisance or expressly set aside for the Industrial District.

### **Standards for Zoning Amendment Review**

Section 14.2:4 of the Zoning Ordinance clearly lays out a series of standards for Zoning Amendment Review, stating as follows:

The Planning Commission and City Commission shall consider the request for an amendment to the Zoning Ordinance in accordance with the following standards:

- (1) The use requested shall be consistent with and promote the intent and purpose of this Ordinance.
- (2) The proposed use will ensure that the land use or activity authorized shall be compatible with adjacent land uses, the natural environment, and the capabilities of public services affected by the proposed land use.
- (3) The land use sought is consistent with the public health, safety, and welfare of the City of Big Rapids.
- (4) The proposed use is consistent with the City Master Plan or a determination that the plan is not applicable due to a mistake in the plan, changes in relevant conditions, or changes in relevant plan policies.

Planning Commissioners are encouraged to review the Application against the Standards in Section 14.2:4 to decide if they find it meets or fails to meet them.

### **Recommendation**

Staff recommends denial of the Conditional Use Permit Application for a rezoning for 415 N State St from RR to C-3, as it does not meet the Standard set in Section 14.2:4 (1) of the Zoning Ordinance.

### Action

Three options lay before the Planning Commission regarding Rezoning Applications: Approval, Denial, or Table. Explanations and sample motions are included below.

### Approval

An approval motion is appropriate when the Application meets the Standards of the Zoning Ordinance and sends the Application to the next step in the process where City Commission has final say in approving or denying the request.

“I move that the Rezoning Application for 415 N State St from RR to C-3 be recommended to the City Commission for approval, because it meets the Standards set in Section 14.2:4 of the Zoning Ordinance. [*If any conditions on approval, list them here.*]”

### Denial

A denial motion is appropriate when the Application fails to meet the Standards of the Zoning Ordinance and ends the application process.

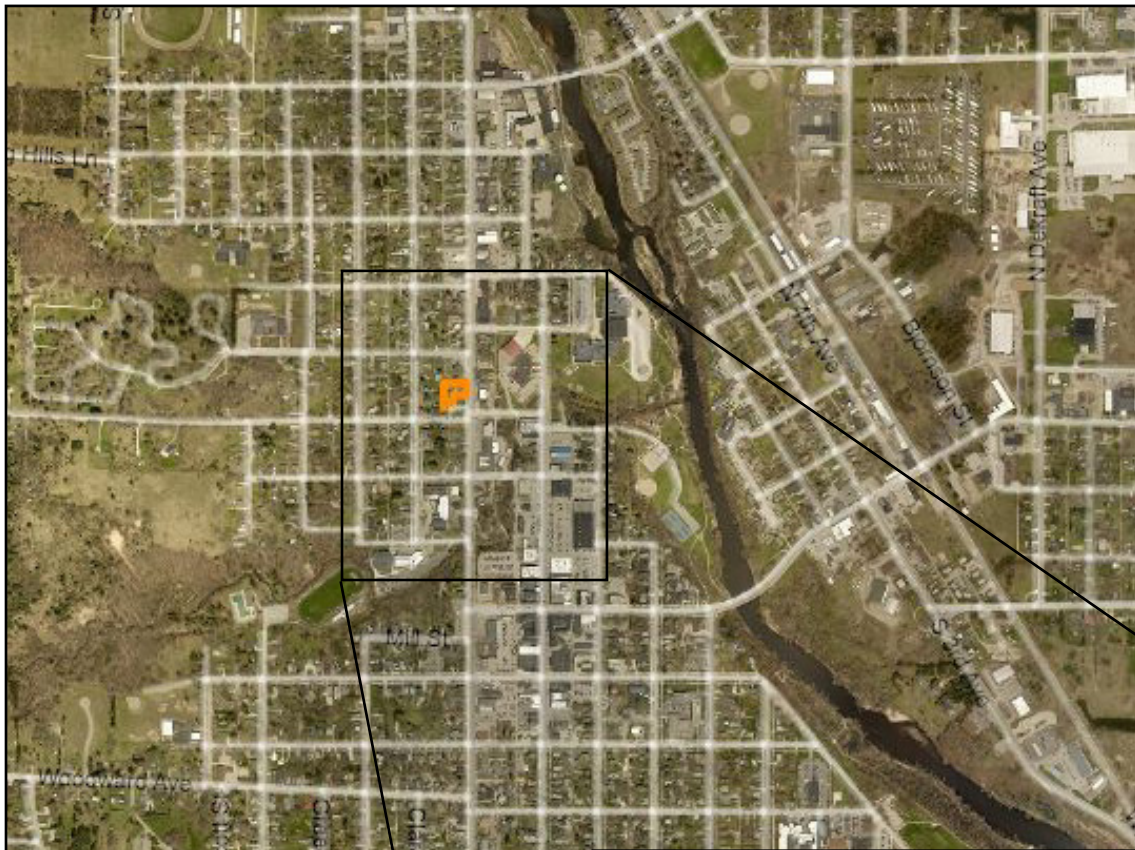
“I move to deny the Rezoning Application for 415 N State St from RR to C-3, because it does not meet Standard 14.2:1 (X) of the Zoning Ordinance.  
(*Fill in the X with which number Standard the application does not meet.*)”

### Table

A Table motion is appropriate when more information is needed before reaching a decision regarding the Application and pauses the process until a later date.

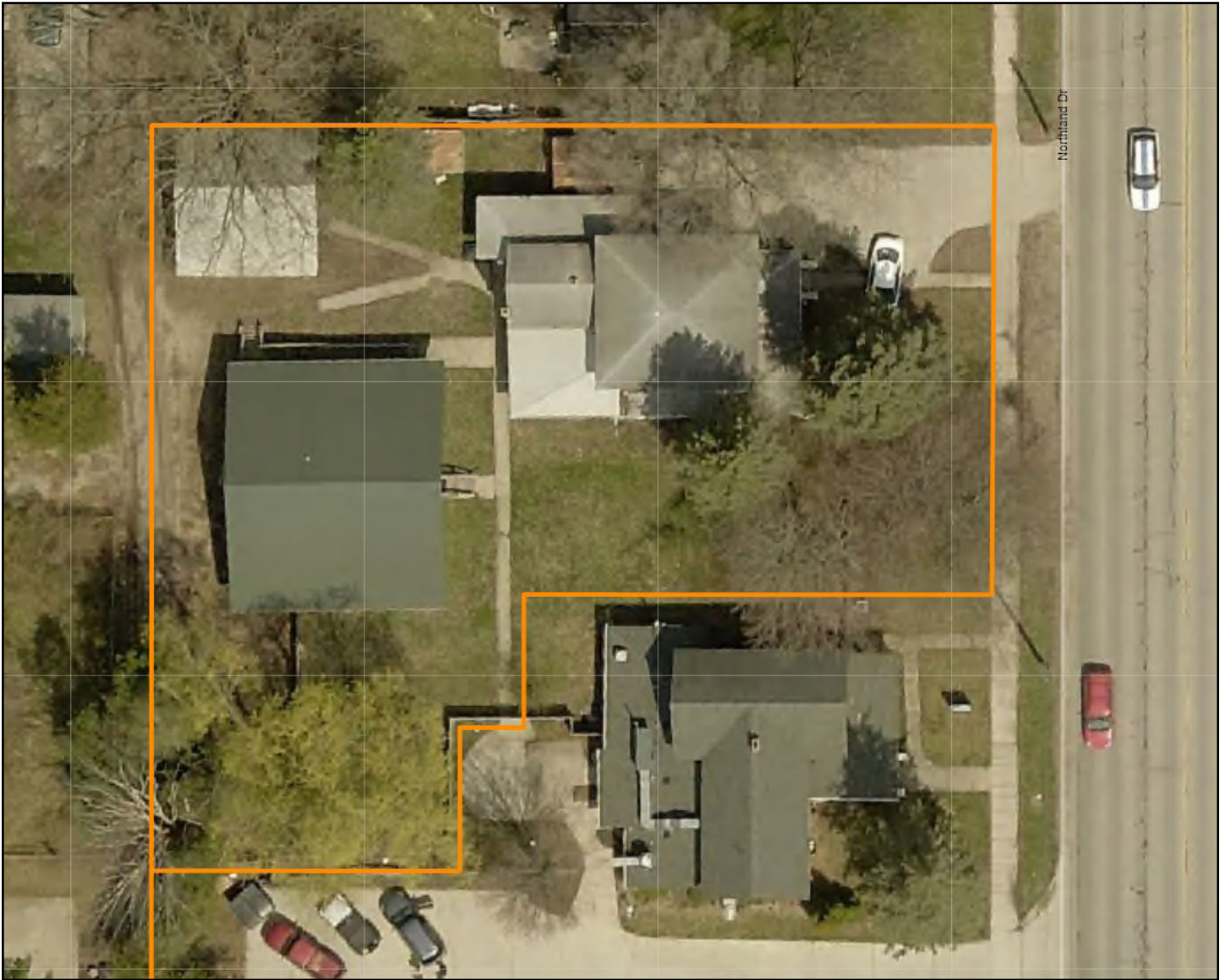
“I move to table a decision on the Rezoning Application for 415 N State St from RR to C-3 until the September 18 meeting of the Planning Commission, because (*list your reason for tabling the decision here.*)”

## Location Maps





Aerial Imagery

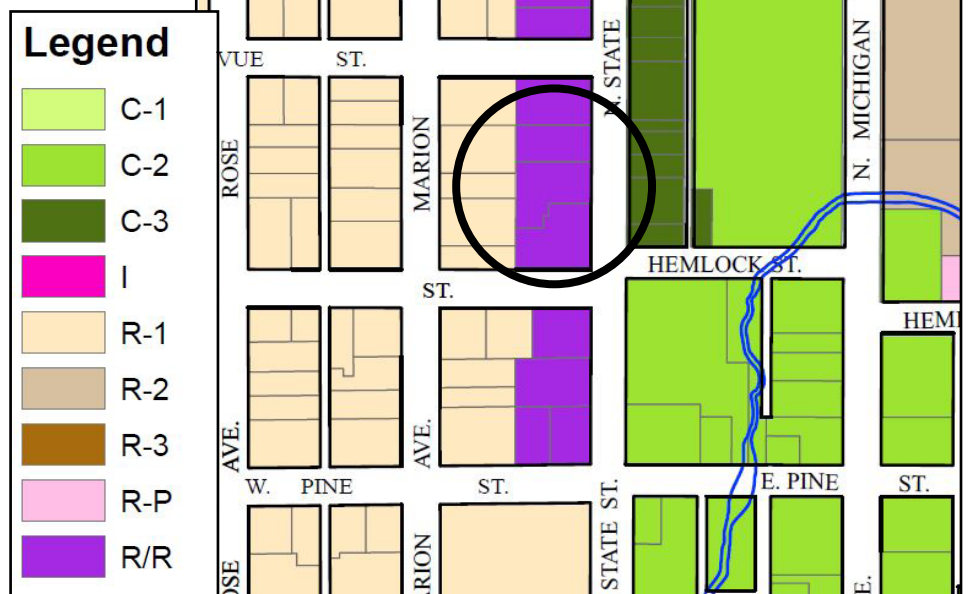




## Excerpt from Future Land Use Map



## Excerpt from Zoning Map















City of Big Rapids

RECEIVED  
31 Aug 2019

Department of Neighborhood Services  
Application to the Planning Commission for Zoning Request

Application Date: 7-24-2019

**Applicant Information:**

|   |
|---|
| <b>Name:</b> Michael Erlewine   |
| <b>Address:</b> 315 Marion st Big rapids mi 49307   |
| <b>Phone Number:</b> 231 796-6532   |
| <b>Property Zoning:</b> R/R   |
| <b>Request Property Address:</b> 415 N state St Big Rapids mi 49307   |
| <b>Explanation of Request:</b> In order to sell the property for highest and best value and to comply to the Townships Master plan now would be the perfect time to rezone and make this property C-3 |

Please check one of the following:

☐ Conditional Use Permit, Please include the following information

1. A legal description of the property.
2. Twelve (12) copies of a site plan meeting the requirements of Section 9.4 of the Big Rapid Zoning Ordinance as amended.
3. A written description of the use.
4. Address use standards set forth in Section 10.3:8.
5. \$75.00 Application Fee

☒ Zoning Amendment Review, Please include the following information:

☒ Rezoning

1. A legal description of the property.
2. A written description of reasons for rezoning and proposed new zoning classification.
3. Address the requirements set forth in Section 14.2:4. (posting of notification)
4. A location map.
5. \$75.00 Application Fee

☐ Text or Map Amendment

1. A written description of proposed changes and reasons why.
2. In the case of a text amendment, proposed new text shall be submitted.
3. In the case of a map amendment, proposed new map shall be submitted.
4. Address the requirements set forth in Section 14.2:2.
5. \$75.00 Application Fee

Michael Erlewine  
dotloop verified  
07/23/19 2:16 PM EDT  
CFSH-CH04-J3ZK-FPLU

(Date)

(Date)

Legal Description:  
000415 N STATE STREET: FRENCH'S ADDITION -- BLK 11, PART OF LOTS 8, 9 10. DESC AS COM AT THE SE CC OF LOT 7, TH N 00 DEG 10' 21" E ALG THE W LI OF STATE ST (E LI OF LOTS 7 & 8) 137.94 FT TO THE POB, TH N 89 DEG 59' 25" W // WITH THE N LI OF MADISON ST (S LI OF LOT 7) 89.09 FT, TH S 00 DEG 06' 00" W // WITH THE W LI OF LOTS 7 - 10, 25 FT, TH N 89 DEG 59' 25" W // WITH THE N LI OF MADISON T (S LI OF LOT 7) 12 FT, TH S 00 DEG 06' 00" W // WITH THE W LI OF LOTS 7 - 10, 27 FT, TH N 89 DEG 59' 25" W // WITH THE N LI OF MADISON ST (S LI OF LOT 7) 58 FT, TH N 00 DEG 06' 00" E ALG THE W LI OF LOTS 8 - 10, 139 FT, TH N 89 DEG 59' 38" E 159.2 FT TO THE W LI OF STATE ST TH S 00 DEG 10' 21" W ALG THE W LI OF STATE ST (E OF LOTS 9 & 10) 87.04 FT TO THE POB. SUBJ TO 99 YEAR LEASES, DATED 2/11/1946 & 4/8/1946, FOR A PUBLIC ALLEY ACROSS THE W 16 FT THRF.

## APPLICATION FOR A ZONING PERMIT

CITY OF BIG RAPIDS

Applicant:

Date:

3-28-94

J. MICHAEL ERLEWINE

616-786-6343

name

phone number

SAME

property owner of record

407 N STATE &amp; 4/5 N STATE

location of property

Application is hereby made (please check one) for the following purpose:

- a. ☒ new construction, alteration, or demolition
- b. ☐ change use of premises from \_\_\_\_\_ to \_\_\_\_\_
- c. ☐ non-conforming, ☐ use ☐ structure, (please describe): \_\_\_\_\_

Attach written documentation supporting your non-conforming request.

If you checked (a) above please complete the following.

1. Describe the proposed construction project: ACCESSORY BUILDING  
42' x 36' SINGLE-STORY
2. Height of proposed structure: 10 feet, 1 floors
3. Ground floor area of all existing and proposed structures, based on exterior dimensions of structure(s), in square feet:  
\_\_\_\_\_ existing + \_\_\_\_\_ proposed = 1512 total
4. Approval for a sanitary tap: ☐ yes ☐ no ☐ N/A \_\_\_\_\_ permit number
5. Approval for a city water tap: ☐ yes ☐ no ☐ N/A \_\_\_\_\_ permit number
6. Written approval for any necessary curb cuts: ☐ yes ☐ no ☒ N/A
7. Complete diagram on back of this application.

ALL APPLICANTS MUST COMPLETE THE FOLLOWING.

This property is currently zoned: R/C.

date

receipt number

Please indicate the total land area of the lot: 32,250 square feet.List the number of off-street parking spaces: 12 existing + 2 proposed = 14 total

Sign and date application.

The undersigned agrees to conform to all requirements of the Big Rapids Zoning Ordinance, as amended. In addition, the undersigned agrees to obtain all other permits and licenses as may be required by law for the construction and/or use intended. Upon completion, I will inform the Zoning Officer to ask that a Certificate of Conformance be issued.

signature of applicant

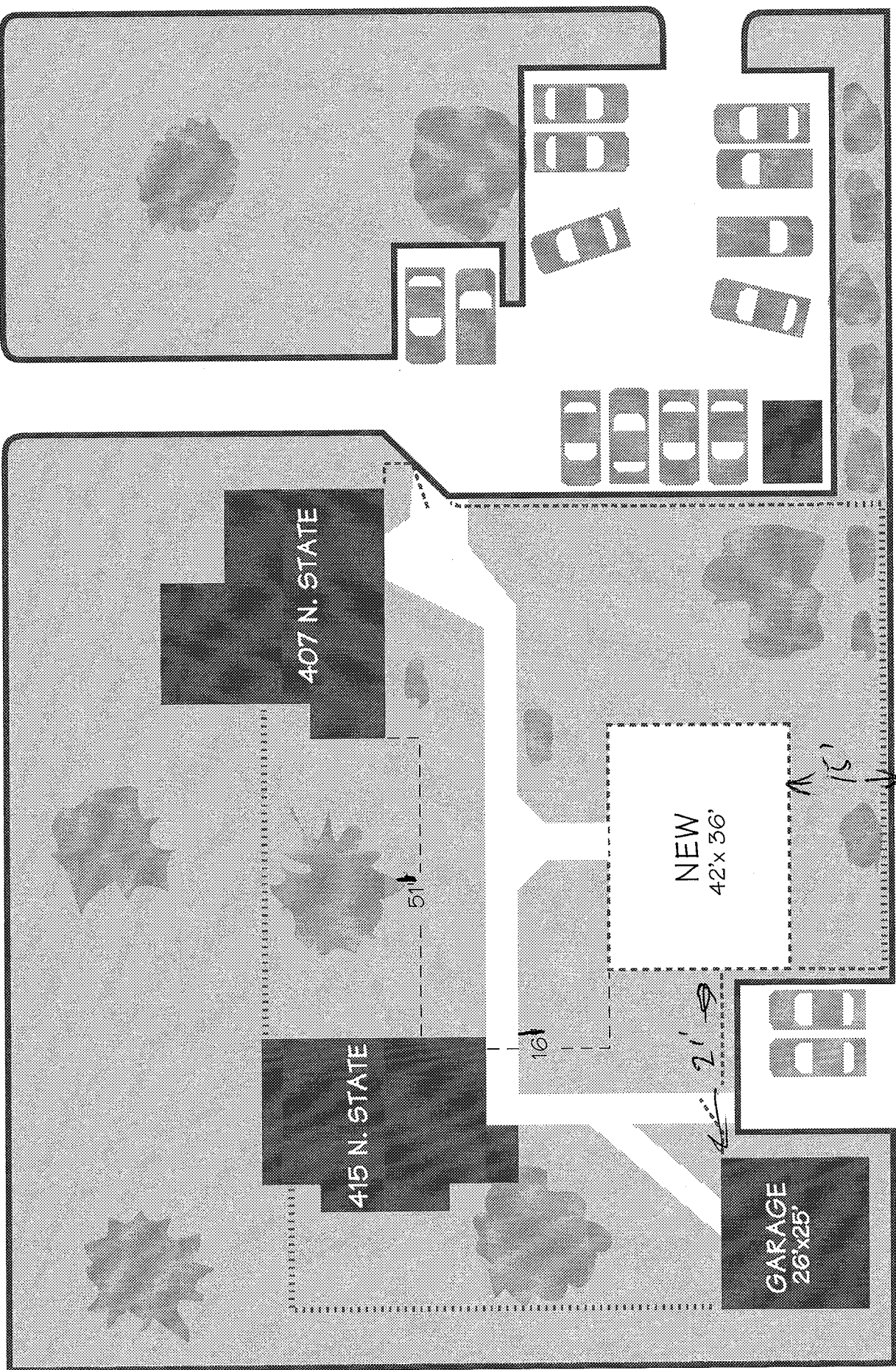
date

J. Michael Erlewine

3/28/94

N. STATE ST

1140 1300  
N/E



Scale: 1/2" = 12 feet  
Lot is 228 feet x 149 feet

ALBY

Proposed Location for new structure.  
Matrix Software, 3/22/94





## ***CITY OF BIG RAPIDS***

226 North Michigan Avenue  
Big Rapids, MI 49307

March 10, 1994

MATRIX SOFTWARE  
Phillip or Mary  
315 Marion Street  
Big Rapids, Michigan 49307

### **RE: Proposed building project at 407 / 415 North State Street**

Dear Phillip or Mary:

There are several local land use regulations that will apply to your proposed project and there are a couple of questions that I need cleared up.

1. I need to know whether or not an office will be a part of this project. My discussions with Mr. Reichow left us a little unclear as to whether or not an office space will be provided in the proposed building.
2. I will also need to know how the alley at the rear of this property has been dealt with in terms of access. Does the City have an easement or right of way through this alley and how wide is that easement or right of way.

A letter from you addressing each of these questions would be most helpful.

### **ACCESSORY BUILDINGS**

As I understand the purpose of this project, the proposed building will be utilized to handle shipping and receiving duties for Matrix Software. If that is the case, the building will be treated as an accessory building. Accessory buildings shall not exceed 16 feet in height and shall be located at least 6 feet from any other separate structure on the same lot. In addition, accessory buildings in the RC zone shall not exceed more than 680 square feet of total floor area.

The existing garage on this site accounts for 650 square feet of accessory building floor area. Because your proposed structure is 1,512 square feet, you will need to seek a zoning variance to increase the allowable square footage of accessory buildings on this site from 680 to 2,162 square feet.

### **COMBINING LOTS**

There are no regulations that would prohibit you from combining the lots currently described as 415 and 407 North State Street. You should, however, be aware of the fact that current zoning regulations do not permit more than one residential structure on a single lot. This could be important to you in the event that you decide to sell the houses at 415 and 407 in the future. If these lots are combined, they would have to be split prior to a sale taking place.

Combining the lots is a simple matter of creating a legal description encompassing both lots. This new description would then have to be forwarded to the County Register of Deeds as well as the Big Rapids City Assessor.

## **BUILDING PLANS**

In order to secure a building permit you will first have to resolve any zoning related issues. Upon completing any necessary zoning reviews either architectural or engineered plans for the building will have to be submitted to Mr. Reichow for review. The plans can be reviewed in five working days and upon approval a building permit will be issued.

## **ZONING ISSUES**

Because this is an accessory building, it does not require a site plan review by the Plan Board. A basic site plan will be required in conjunction with the building plans however.

The matter of the maximum square footage permitted for accessory buildings in the RC zone must be addressed by the Zoning Board of Appeals. The next Z.B.A. meeting takes place on March 24, 1994. The attached application for zoning variance must be completed and returned, with the \$75.00 fee, no later than March 15, 1994 to be in time for the meeting of the 24th.

## **ADDITIONAL COMMENTS**

I don't know if you've given any thought to the idea of expanding one of the houses at either 415 or 407 to accommodate your needs. There are a couple of reasons that might make this an attractive alternative to a free standing building:

- You could conceivably put an addition on one of the houses and not affect the existing property line between the two lots. This would allow you to sell either one or both of the properties in the future with no "hassles".
- If you are expanding an existing building, you don't have to worry about the maximum allowable square footage for accessory structures. I'm not sure how the Z.B.A. will react to a requested variance of 1,482 square feet.
- Utilities would not be such a concern.

If you have any questions regarding this matter, or if I can be of further assistance, please to not hesitate to contact me at 592-4035.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Lynch", with a stylized flourish extending to the right.

Jon Lynch  
Planning Director

cc: Floyd Reichow

/jl

**CITY OF BIG RAPIDS**  
**ZONING BOARD OF APPEALS**

March 24, 1994  
Regular Meeting

The meeting was called to order at 7:30 PM by Chairman Richard Hansen.

**PRESENT:** Richard Hansen, Chris Jacobs, Al Hoyt (alternate),  
Vordyn Nelson

**ABSENT:** Joe Harper, Elizabeth Nagelbush

**ALSO PRESENT:** Mr. Phillip Erlewine, Mr. John Hilligoss, and Jon Lynch

Chairman Hansen opened the meeting by introducing the agenda and explaining to the public the procedure for public hearings that would be followed.

It was moved by Jacobs and supported by Hoyt to approve the minutes of the February 15 rescheduled regular meeting reflecting corrections by changing the name of David Hansen to Richard Hansen and by correcting the motion on the definition of gasoline service stations as made by Chris Jacobs rather than Mr. Hansen. The minutes were unanimously approved.

Chairman Hansen asked Mr. Lynch to introduce the variance request from Mr. Erlewine (variance application #9405). Mr. Lynch read the following report:

Matrix Software is seeking a variance to construct a 42 by 36 foot accessory building behind the two houses that currently occupy this site. Although there are two separate lots at this time, the applicant is preparing to combine them into one lot. The site is roughly 215 feet by 150 feet for a total of 32,250 square feet (see attachments).

Section 3.35:2(1) of the Zoning Ordinance permits accessory buildings in the RC zone with a total floor area not to exceed 680 square feet. There is already a 850 square foot detached garage on this site leaving 30 square feet available for an accessory structure.

Mr. Phillip Erlewine of 1689 15 Mile Road, Big Rapids, indicated that he would be representing Matrix Software, located at 407 and 415 North State Street, in this request. He went on to explain that the existing garage on the site is 650 square feet. He pointed out that the proposed building would require a 1,482 square foot variance which accounted for 4.6% of the existing lot area. Mr. Erlewine explained that Matrix Software

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manufactures database and astrological software. He went on to state that the hours of operation are from 8:00 AM to 5:00 PM and that the operation creates no noise or pollution. He also pointed out that the business stores numerous books from all over the world and existing space in the homes is not sufficient for storage.

Mr. Hansen asked if there were plans to put plumbing in the proposed building for the purpose of a restroom. Mr. Erlewine stated that he would like to put a restroom in the building and that the construction will consist of a pole type building on a concrete slab. He also indicated that there is room to park two vehicles adjacent to the proposed structure and that only one to two people would be working in the building. He went on to explain that Matrix Software had looked into purchasing the house to the north of their current property but found that option undesirable.

Board members inquired about deliveries to and from the proposed building. Mr. Erlewine told them that U.P.S. currently makes two deliveries per day and that the delivery schedule would not change. He pointed out that the U.P.S. vehicles utilize the alley for deliveries.

Mr. John Hilligoss of 10636 Riverview Drive, Big Rapids, indicated that he now understood the proposal and had no objections to it.

Chairman Hansen then read a letter from Mr. Terry A. Symon of 207 West Madison, Big Rapids, as follows:

Dear Mr. Lynch,

I am very much opposed to any expansion at 407 & 415 North State Street for the following reasons:

Traffic Congestion - At this time there are between 10 - 20 auto's parked at this location as is without an added shipping and receiving point. Cars are lined on both sides of the road along Madison Avenue next to matrix. The majority of those parked there are working for Matrix.

Pedestrians - With children going to both the Middle School and the High School we should not have to put up with added traffic in this supposedly residential area. I feel this would be added risk for our community's children when walking to school. Also busses are traversing this area as well - we don't need more traffic.

Expansion - If Mr. Erlewine's business is progressing to need expansion, then maybe he should relocate rather than disrupt the neighborhood any more than he has.

I grew up in this particular neighborhood and do like to see business expansion, but not at the expense of my children's safety and others who walk this area. Bellevue is also heavily used and is at the other end of the block that his business is located.

Thank You  
Terry A. Symon

Mr. Erlewine responded to the concerns by explaining that the area is zoned RC and that the proposed building will not add employees but will add two parking spaces. He also told the Board that he has children who walk on that block.

With there being no further comment the Board entered into a fact finding session. Board members discussed to history of Matrix Software and past difficulties with parking in the area. Members generally felt that the parking problems had been dealt with when Matrix built a new parking lot. Discussion then focused on how a motion should be worded to account for the combining of the two lots. Mr. Hansen stated that the Board must ensure that the lots are combined as an element of approving the variance request.

Chairman Hansen then pointed out that this was a dimensional variance request. He expressed his opinion that it was not contrary to the intent of the zoning ordinance, would not increase area traffic, was necessary due to the unique situation of the two lots, and did not involve a change in the permitted use at this location.

Member Nelson asked if this request did violate the intent of the zoning ordinance when two lots are combined to form one large lot. He pointed out that a worst case scenario would involve the construction of a new facility on lots that had previously been combined.

Board members then discussed the alley in the area and the transition of intensity of uses that would be occurring from east to west. Members discussed the scale and design of the proposed building as well as the character of the neighborhood.



It was moved by Nelson and supported by Jacobs to grant a dimensional variance at 407 and 415 North State Street permitting a 42' x 36' accessory building, 15' from the alley, with the proviso that the deed reflecting the joining of the two lots is submitted to the City Planner and City Attorney and that the building is constructed in the character reflected by the drawings that were submitted to the Zoning Board of Appeals for their review. **There being no further discussion, the Board voted on the motion as follows: Nelson - yes, Hoyt - yes, Jacobs - yes, Hansen - yes. The motion was passed and the variance was granted.**

Chris Jacobs next asked if the screening between the Mancinos building and Ms. Butlers property on Spring Street meets the requirements of the previously granted special use permit. Mr. Lynch stated that he would research the question and report to the Board next month.

The meeting adjourned at 8:35 PM.

/jl

  
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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Zoning for Marihuana Businesses  
DATE: August 21, 2019

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### **Introduction**

As part of the City's ongoing considerations regarding whether to allow medical or recreational marihuana establishments within the City boundaries, the discussion around zoning for such businesses continues. The role of the Planning Commission in drafting Zoning Ordinance language for marihuana businesses concludes at this meeting with the Public Hearing and Recommendation to the City Commission.

### **Draft Zoning Ordinance Amendment**

Staff have prepared a Draft Zoning Ordinance Amendment for Marihuana Facilities, attached, and included some minor alterations based on conversation at the July 17 meeting. The updated Draft Zoning Ordinance Amendment is attached.

The Draft ordinance suggests additions to the City of Big Rapids Zoning Ordinance in three areas:

- Article 2 Definitions,
  - Adds definitions for the relevant marihuana-related terms
- Article 3 District Regulations, and
  - Permits retailers, safety compliance facilities, microbusinesses, and designated consumption establishments in the C-1 and C-3 as Principal Uses
  - Permits growers, excess growers, processors, safety compliance facilities, and secure transporters in the Industrial District as Special Land Uses
- Article 11 Use Standards.
  - Adds the conditions for marihuana establishments. Includes general conditions that apply to all marihuana establishments as well as specific conditions for uses in the commercial districts and in the industrial district.

This Draft ordinance is intended to apply to all potential marihuana establishments, whether they be licensed under the Medical Marihuana Facilities Licensing Act (medical marihuana) or the Michigan Regulation and Taxation of Marihuana Act (adult use/recreational marihuana). These two laws do not have the same terminology or processes. However, as regards zoning, it is possible to address both concurrently.

### **Conversations with the Downtown Business Association**

At the direction of the Planning Commission, staff reached out the Downtown Business Association, speaking with their Executive Board and their General Assembly in the past few weeks. The current Draft Ordinance Amendment was presented along with an explanation of the implications for Downtown and how the discussion went to reach that conclusion. Staff asked for feedback from the organization or individual business owners.

### **Tour of Operational Marihuana Businesses**

Several members of City Staff had the opportunity to tour a Grow Facility and a Provisioning Center, both located in Ewart, MI. The large grow facility is in the Ewart Industrial Park and has been open for several months, with plans for future expansion of more grow capacity and a processing facility. The small provisioning center is in a commercial area outside the downtown.

In conversation with the tour attendees, several comments were shared:

- It destroyed all previous preconceptions of what marihuana businesses would be like.
- It was very well thought out. Strong business plan, which balanced the bottom line with being a good actor in the community.
- All the staff were well educated, knowledgeable about their product and intent to ensure they followed good business practices.
- The grow facility was like a laboratory. So clean and well-managed. They had many systems in place to ensure safety and minimize odor.
- The employees knew and followed all the State and local laws.
- The grow facility had over 50 full-time employees, with plans to expand and hire many more staff. The small provisioning center had 10 full-time employees. They made a point to hire local staff in each location.

### **Way Forward**

Please review the Draft Zoning Ordinance Amendment for Marihuana Facilities and be prepared to engage in the Public Hearing on this Amendment.

### **Timeline**

The Recommendation to the City Commission will be heard at their regular meeting on September 3, 2019 (a Tuesday; moved from Monday due to the Labor Day holiday).

The City Commission still needs to write a Marihuana Establishments Licensing Ordinance, which will be separate from the Zoning Ordinance Amendments for Marihuana. Due to State deadlines for accepting adult-use marihuana business license applications, the City Commission is recommended to have all Ordinances in place and vote on a decision for or against permitting marihuana businesses in October.

## **Definitions**

The following are proposed additions to Article 2 Definitions

LARA – The Michigan Department of Licensing and Regulatory Affairs.

MRA – The State of Michigan Marihuana Regulatory Agency.

Licensee – A person holding a state license.

Marihuana – All parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. It does not include industrial hemp.

Marihuana Establishment – A location at which a licensee is licensed to operate under one of the State of Michigan Marihuana laws.

Grower – A person with a commercial license to cultivate, dry, trim, cure, and package marihuana and sell or otherwise transfer marihuana to marihuana establishments.

Microbusiness – A person with a commercial license to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

Marihuana Plant – Any plant of the species *Cannabis sativa* L. Marihuana plant does not include industrial hemp.

Processor – A person with a commercial license to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

Retailer – A person with a commercial license to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older. Also called provisioning centers.

Safety Compliance Facility – A person with a commercial license to test marihuana, including certification for potency and the presence of contaminants.

Secure Transporter – A person with a commercial license to obtain marihuana from marihuana establishments in order to store and transport marihuana to marihuana establishments for a fee.

Excess Marihuana Grower – A person, who already holds five adult-use Class C Grower licenses, and is given additional license to expand their allowable marihuana plant count.

Designated Consumption Establishment – A person with a license to operate a commercial space that is licensed by the MRA and authorized to permit adults 21 years of age and older to consume marihuana and marihuana products on premises.

Municipal License – A license issued by a municipality that allows a person to operate a marihuana establishment in that municipality.

**District Regulations**

The following are proposed additions to Article 3 District Regulations.

- 3.9:2 (3) (g) Marihuana establishments that are retailers, safety compliance facilities, microbusinesses, or designated consumption establishments, subject to the conditions of Section 11.1:29.

*[They will also be permitted in the C-3 as well, because of 3.11:2 (1) which permits "Any use permitted in the C-1 or C-2 Commercial Districts."*

- 3.12:7 (4) Marihuana establishments that are growers, excess growers, processors, safety compliance facilities, or secure transporters, subject to the conditions of Section 11.1:29.



**Use Standards** The following are proposed additions to Article 11 Use Standards:

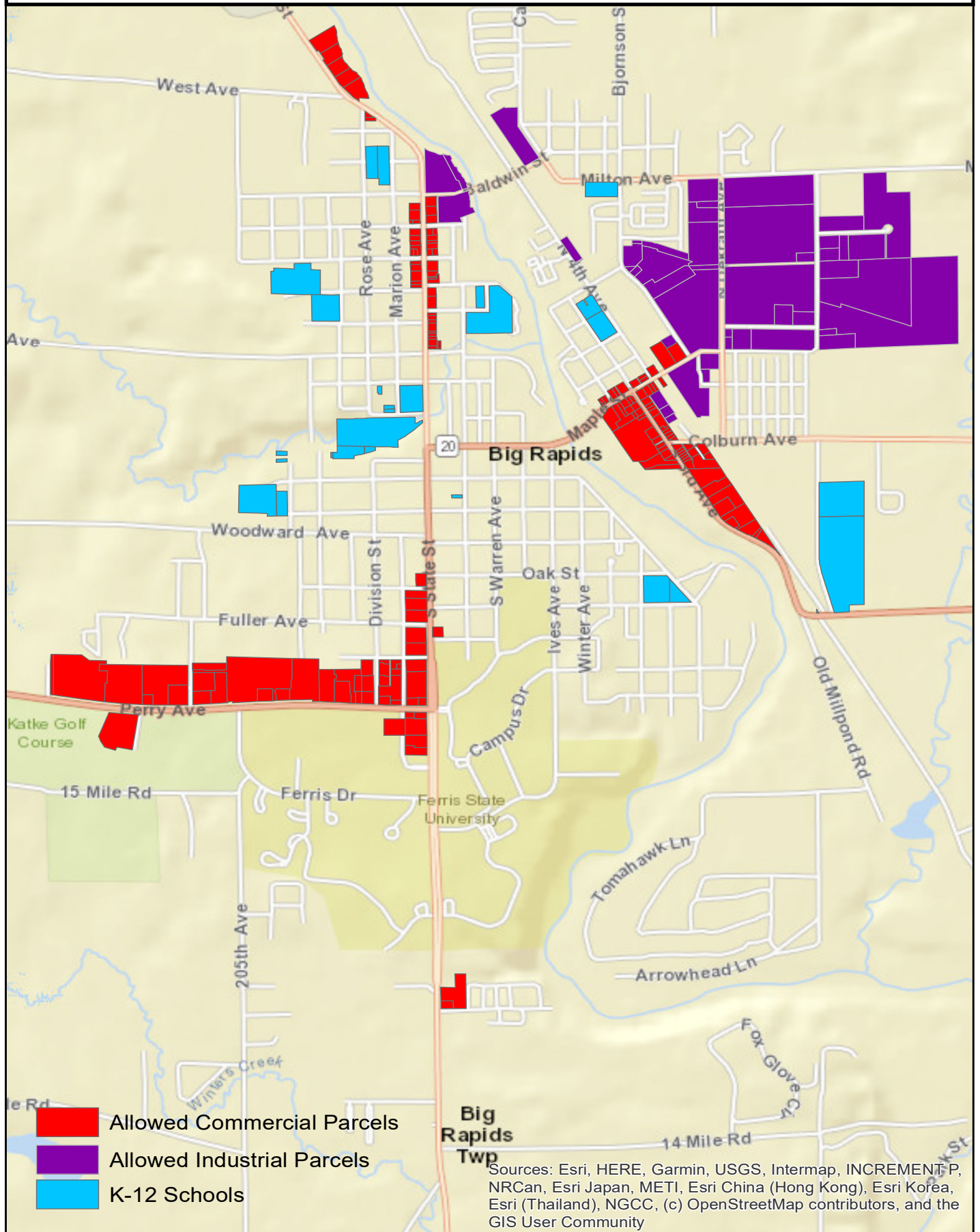
11.1:29

Marihuana establishments may be permitted subject to the general and specific conditions below:

- (1) Conditions which apply all marihuana establishments are listed below:
  - (a) All such establishments shall hold a valid License for the appropriate operation as issued by the State of Michigan.
  - (b) Co-located marihuana establishments and stacked grower licenses may be permitted subject to the regulations of this Ordinance and any applicable rules promulgated by LARA.
  - (c) The Licensee shall have, or shall have applied for, a Municipal License as described in [refer to City Code of Ordinances section].
  - (d) No such facility shall be situated within 500 feet of a K-12 school, public or private.
  - (e) Those provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall be limited to one sign per establishment, either a wall sign or a freestanding sign as described below. The sign shall not be digital or internally illuminated.
    - i. One wall sign affixed to the building containing a marihuana facility is permitted on the front wall of the building and shall not exceed twenty (20) square feet.
    - ii. One freestanding sign located on a lot containing a marihuana facility is permitted. The sign shall not exceed twelve (12) square feet in area nor 4 feet in height.
  - (f) The use of marihuana is prohibited at all licensed marihuana establishments, excepting designated consumptions establishments.
  - (g) No equipment or process shall be used in the facility which creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal human sense beyond the property line.
  - (h) The establishment shall be available for reasonable inspection, during business hours, by Code Enforcement Officials or Public Safety Officers to confirm the facility is operating in accordance with all applicable laws, including state law and city ordinances.
  - (i) A property owner shall have no vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment of this ordinance.

- (j) A Zoning Permit or Special Land Use Permit may be issued conditionally, however no operation may commence or continue until the required Municipal License has been issued by the City Clerk and all conditions enumerated in [section of the City Code referring to Marihuana establishments] have been met.
- (2) Marihuana retailers, safety compliance facilities, microbusinesses, and designated consumption establishments may be permitted in the C-1 and C-3 Commercial Districts subject to the conditions below:
- (a) The facility may only operate between the hours of 9AM to 9PM.
  - (b) The facility shall provide off-street parking and loading consistent with Article 5 of this Ordinance and shall be considered under Section 5.2 as Retail Sales and Rental of Goods, Merchandise and Equipment.
  - (c) The exterior appearance must be compatible with surrounding businesses with respect to façade type, ground floor opacity, site layout, etc.
  - (d) The interior of the facility must be arranged in such a way that neither marihuana nor marihuana-infused products are visible from the exterior of the facility.
  - (e) All activities, including all transfers of marihuana, shall be conducted within the building and out of public view. Drive-through, drive-up, or curb-side service facilities are prohibited.
- (3) Marihuana growers, excess growers, processors, safety compliance facilities, and secure transporters may be permitted as a special land use in the I Industrial District subject to the conditions below:
- (a) The facility shall provide off-street parking and loading consistent with Article 5 of this Ordinance and shall be considered under Section 5.2 as Manufacturing and Industrial Uses.
  - (b) Processes must be conducted in a manner to minimize adverse impacts on the City's wastewater treatment operations. The City's Public Works Department shall review all pertinent information related to wastewater discharges and shall provide any pertinent comments on to the Planning Commission.
  - (c) All operations shall occur within an enclosed building and no marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.
  - (d) Applicants must provide a plan for the storage and disposal of marihuana or chemicals associated with marihuana cultivation or processing to minimize the risk of theft or harm resulting from chemical exposure.

# Draft Marihuana Businesses Allowed Parcels Map



# **Planning Commission**

## ***Regular Meeting***

Big Rapids City Hall  
226 N Michigan Avenue

September 18, 2019  
6:30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
  - a. August 21, 2019
5. Public Comment Not Related to Items on the Agenda
6. Public Hearing
  - a. Site Plan Review for 804 S. State St, Burger King drive thru improvements
7. General Business
  - a. Review of Neighborhood Services Fee Schedule
  - b. Annual Organizational Meeting
8. Unscheduled Business
9. Adjourn

**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
August 21, 2019**

Chairperson Jane called the August 21, 2019, meeting of the Planning Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Renato Cerdena, Josh Foor, Paul Jackson, Chris Jane, Rory Ruddick, Bill Yontz

**EXCUSED** Tim Vogel

**ALSO PRESENT** Paula Priebe, Neighborhood Services Director  
Cindy Plautz, Neighborhood Services Coordinator  
Eric Williams, City Attorney

There were 23 people in the audience.

**APPROVAL OF MINUTES**

**Motion was made by Bill Yontz, seconded by Paul Jackson, to approve the minutes of the July 17, 2019, meeting of the Planning Commission as presented.**

**Motion passed with all in favor.**

**Motion was made by Bill Yontz, seconded by Rory Ruddick, to approve the minutes of the July 31, 2019, special meeting of the Planning Commission as presented.**

**Motion passed with all in favor.**

**PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA**

None

**PUBLIC HEARING**

**Rezoning Application for 415 N State Street from Restricted Residential District (RR) to Commercial 3 District (C-3).**

**Staff Report**

Priebe reviewed her staff report saying that the owner Michael Erlewine is applying to rezone his property at 415 N State from RR to C-3. This type of rezoning can also be called a Map



Amendment as it is a request to change the zoning of a property from one type to another type to permit a change of use. She explained that the RR District is designed as a transitional area between Commercial and Residential use. Both Residential and C-3 uses are allowed. The C-3 District is the most open to business that involves a significant amount of traffic.

This property has a history of being combined with the adjacent property and both being used as Commercial. A large accessory building was added at one point. Then the property was split again with one becoming Commercial and the other Residential.

### **Applicant Statement**

Realtor Spencer Pratt spoke for the applicant saying that the City's Master Plan's Future Use Map shows this area as Commercial and it makes more sense for it to be zoned C-3. The property to the north is a rental and taxes would be less if this property could be sold as a Commercial property. He believes that the C-3 would accommodate developing Commercial use.

Chairperson Jane opened the Public Hearing portion of the meeting at 6:39 PM.

### **Those Who Spoke in Favor:**

Jack Frizzell, 19787 Park, Big Rapids, stated that he owns property across the street that is zoned Commercial and this request makes sense to him.

**Those Who Spoke in Opposition:** None heard.

### **Telephonic or Written Correspondence Received by Staff:**

Priebe reported receiving two phone calls:

Mary Smith from 407 N State inquired as to the process. She did not object.

A property owner from across the street stated that he was against the rezoning. He believed rezoning to Commercial would create more traffic which he viewed as a problem.

### **Chairperson Jane closed the Public Hearing at 6:42 PM and the Commission entered into Fact Finding.**

Foor asked about the Future Land Use Map and what the goals were for this use. It doesn't align with the current Zoning Map. Both Commercial and Restricted Residential fit in with the Future Land Use Map as it is. Public Safety was not consulted regarding the proposed zoning change. There are no current code violations on this property. Jackson asked how the surrounding

properties were used. There is a mix of Commercial and Residential use as is allowed in the R/R.

Staff recommends denial of the request as it would be in violation with the Zoning Ordinance in which this area is intended as a transitional district.

### **Motion**

**Motion was made by Bill Yontz, seconded by Paul Jackson to deny the rezoning application for 415 N State Street to re-zone from RR to C-3 because it does not meet Standard 14.2:4 (1) of the Zoning Ordinance.**

**Motion passed with Renato Cerdena, Josh Foor, Paul Jackson, Chris Jane, Rory Ruddick and Bill Yontz in favor.**

### **PUBLIC HEARING:**

#### **Text Amendment to the Zoning Ordinance to add Regulations for Marihuana Businesses**

Priebe reported that a “listening session” will be held September 23, 2019 to hear the community’s opinions on the marihuana proposals.

Priebe explained that as a part of the on-going marihuana zoning discussions, the Planning Commission’s role in drafting Zoning Ordinance language for marihuana businesses concludes at this meeting with a recommendation to the City Commission. Included in the Staff Report is a draft amendment to the Zoning Ordinance concerning zoning for marihuana businesses.

Amendments will be made to the following:

- Article 2 Definitions which adds definitions for the relevant marihuana-related terms,
- Article 3 District Regulations which will add retailers, safety compliance facilities, microbusinesses, and designated consumption establishments in the C-1 and C-3 as Principal Uses, and will add growers, excess growers, processors, safety compliance facilities and secure transporters in the Industrial District as Special Land Uses, and
- Article 11 Use Standards, which will add the conditions for marihuana establishments. It will include general conditions that apply to all marihuana establishments as well as specific conditions for uses in the Commercial districts and in the Industrial district.

At the last meeting the Planning Commission decided to take the C-2 district out of the areas where marihuana businesses were permitted. The Downtown Business Association was approached again, and the director took a head count as to the Board’s and members’ thoughts. Twenty-two were in favor of allowing marihuana businesses in the C-2, 19 had no opinion and 7 were opposed.

Tours were offered of some marihuana establishments in Evart and some of those that toured the facilities changed their minds as to the operations. The consensus is that the DBA would now be in favor of allowing in the C-2 district.

Priebe spoke with FSU President Eisler about the pros and cons and because the University receives Federal Funds, their ruling is that no marihuana is allowed on campus. He stated that it was not FSU's place to weigh in on the City's decisions regarding marihuana.

The Planning Commission is asked to make a recommendation to the City Commission tonight and they will discuss it at their September 3rd meeting.

**Applicant Statement:** None

**Chairperson Jane opened the Public Hearing portion of the meeting at 6:55 PM**

**Those Who Spoke in Favor:**

Zack Deubel, 402 S Warren, stated he is the President of a responsible use of drugs group at FSU and reported that Big Rapids citizens voted in favor of allowing marihuana businesses in Michigan. He feels we need to move forward on allowing the businesses in Big Rapids. He is concerned that the money the City could be making will be going to other communities.

Scott Herron, 421 Green Street, stated that he is in favor of allowing marihuana businesses in Big Rapids. The young people are attracted to it and they will have to go to Grand Rapids or other communities a distance away. He is afraid they will smoke and drive back to Big Rapids where as if allowed to purchase here, they would just go to their homes and smoke or consume it. He is concerned about their safety. The money to be made would also go out of the community. He would also like to see some of the students who have degrees useful to some of the marihuana businesses such as the testing centers, stay in Big Rapids to work. They would not be able to work on campus in labs due to marihuana not being legal on the Federal level. He is concerned as to the quality of the end product. If not tested, how do people who take it for medical reasons know it is of a certain quality?

Michael Williams, Morley, wanted to thank the Planning Commission and said the zoning plan looks good.

Monica Pittigleo, 19700 14 Mile Road, said the Planning Commission is doing a great job. She is glad to see Perry Avenue on the map and would like the zoning to include the C-2. If alcohol is allowed downtown she sees no reason not to allow marihuana.

Lori Brock, 21750 19 Mile Road, stated she is happy to see the progression and would like to see the marihuana businesses allowed in Big Rapids. Currently, money to be made is going to Evart and Reed City. She is in favor of allowing marihuana businesses in the C-2 district and she has

found that a lot of Big Rapids citizens she has spoken to are in favor as well. She feels the Canoe Livery area should be C-3.

Jerry Bowman, 302 S Stewart, stated that he is in favor of marihuana businesses in the downtown. He agreed that the canoe livery area should be zoned C-3.

**Those Who Spoke in Opposition:** None heard.

**Written or Telephonic Correspondence Received by Staff:**

Priebe received phone calls about the ordinance process, but nothing specific. Most of the questions were concerning the map.

**Chairperson Jane closed the Public Hearing at 7:08 and the Commission entered into Fact Finding.**

Yontz wanted to make sure that the C-3 district would be added into the District Regulations language per 3.11:2 (1) as a Permitted Use (Any use permitted in the C-1 or C-2 Commercial Districts).

While looking at the suggested additions to Article 2, Definitions, the Commission was in agreement that Designated Consumption Establishments should remain in the definition section but if the C-2 district were to be added back into the language as a district where certain Marihuana establishments are allowed, Designated Consumption Establishments should be excluded in the C-2 district.

Under the Use Standards section, Priebe pointed out that the changes outlined in the preceding meeting to the Sign Regulations, 11.1:29 (e) have been made.

Priebe stated that this amendment to the Zoning Ordinance covers both Medical and Recreational use of marihuana – there is no distinction made between the two in the Zoning Ordinance. Purchasers of Medical Marihuana need a card from the State and those interested in purchasing Marihuana for recreational purposes need to be 21 years or older. It is up to the City Commission to decide to accept the Planning Commission recommendation as prepared, or they have the prerogative to make changes as they see fit. They will also decide on the number of establishments to allow along with any other licensing regulations.

Foor asked about the possibility of tabling the recommendation to allow more time for study of other communities who have or will allow Marihuana Establishments. Priebe added that it would delay the timeline and the City Commission has asked the Planning Commission for this recommendation.

The Commission discussed whether or not to add the C-2 district back into the District Regulations where Marihuana Establishments that are retailers, safety compliance facilities, or microbusinesses are a Permitted Use. Some thought it should be a decision for the DBA to make. Others thought the City Commission should weigh in to whether or not to include the C-2 district and also whether or not to allow consumption in the C-2.

Attorney Williams stated that the Planning Commission can make a recommendation to the City Commission for the amendment as it is presented and can also recommend they consider adding the C-2 and consumption back into the Amendment.

Foor again asked if the Planning Commission could recommend the City Commission wait to make a decision. Jane stated there isn't a reason to wait – voters have made their choice and we haven't seen any negative affects to those communities that have already opted in. Jackson was also hesitant as once we are opted in, we are in, and if we opt out, we could always revisit. The other members were not in favor of waiting to make their recommendation.

### **Motion**

**Motion was made by Bill Yontz, seconded by Rory Ruddick to recommend the Zoning Ordinance Amendment for Marihuana Businesses, as attached, to the City Commission for adoption with the following recommendation that they consider inclusion of marihuana establishments that are retailers, safety compliance facilities, or microbusinesses subject to the conditions of Section 11.1:29 as a Permitted Use in the C-2 District and consider whether or not to allow Designated Consumption Establishments in the C-2.**

**Motion Passed Unanimously with Renato Cerdena, Josh Foor, Paul Jackson, Chris Jane, Rory Ruddick and Bill Yontz in favor.**

### **GENERAL BUSINESS**

Priebe reported that there will be a Downtown Open House which is open to the Community on September 9, 2019, between 4:00 and 6:00PM, at Artworks to help establish a future vision for Downtown Big Rapids.

**There being no further business, Chairperson Jane closed the meeting at 7:40 PM with all in favor.**

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary



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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Site Plan Review – 804 S. State Street  
DATE: September 18, 2019

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### **Introduction**

Applicant J.S.R. Construction has submitted a Site Plan Review Application to replace the single drive-thru with a double land drive-thru at the 804 S. State St. Burger King. This 1.15-acre site is zoned C-3 and is located at the southwest corner of S. State St. and Morrison Ave. Location Map and several images of the site are attached. See also the set of Site Plans included with the packet.

### **History of the Property**

The current Burger King building was approved in 1997. The site plans were reviewed and approved with stipulations in March and then amended in May after the developer suggested a minor change to the plans. Agendas, staff reports, and minutes from those 1997 meetings are attached in the packet.

### **Site Plan Review Process and Procedure**

The Site Plan Review Application was received by the Neighborhood Services Department on 27 August 2019 and was deemed in compliance with Section 9.4. As required by Ordinance, Site Plan Reviews must go through a public hearing process. Notice was posted in the Big Rapids Pioneer on 13 September 2019 and sent to all property owners within 300 ft of the site.

The Site Plans were shared with the Building Inspector, the Deputy Director of Public Safety – Fire Division, and the Public Works Department’s Engineering staff for their review.

Building Inspector - Aaron Holsworth, Building Official for Mecosta County, reviewed the plans and determined that there was nothing for him to comment on, due to the nature of the project.

Public Safety - Deputy Director of Public Safety – Fire Division Steve Schroeder reviewed the site plans and found no issues that would affect fire department safety concerns.

Public Works - Plans were by Engineering Technician Matt Ruelle. It was determined that this project is exempt from stormwater review as it qualifies for exemption under the category of “exterior modifications to all buildings that do not increase the size of the building.”

Zoning – Plans were reviewed by the Neighborhood Services Director as to their standings as regards the Zoning Ordinance. Two items of note are the change in parking and the alterations to the landscaping.

*Parking* – The Zoning Ordinance requires “one parking space for each two seats provided for patron use or one for every 50 sq. ft of customer waiting and eating areas, and one for each employee on the largest shift, plus five stacking space per drive-thru window.” At the time of the 1997 site plan review, the building required 50 spaces and provided 50 spaces. The proposed plans will remove four spaces, bring the total parking spaces provided to 46. Staff believes the provided parking is sufficient and meets the Ordinance.

*Landscaping* – Due to the limited scope of this project, a detailed landscaping plan was not required. Staff reviewed the plans regarding the landscape requirements governing “Compliance for Pre-Existing Sites”, found in Section 8.11 of the Zoning Ordinance. Staff believes the project to be in compliance with the Ordinance.

### **Criteria for Review of Site Plan Review Applications**

Section 9.6 of the Zoning Ordinance clearly lays out a series of criteria for reviewing Site Plan Review applications, stating as follows:

- 9.6:1 That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to insure the safety and convenience of pedestrian and vehicular movement. With respect to vehicular and pedestrian circulation, including walkways, interior drives, and parking, the site shall be developed so that access points, general interior traffic circulation, pedestrian circulation, and parking areas are safe and convenient and, insofar as practicable, do not detract from the design of the proposed buildings and existing structures on neighboring properties.
- 9.6:2 All elements of the site plan shall be harmoniously and efficiently organized in relation to the topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- 9.6:3 That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which will result in maximum harmony with adjacent areas.

- 9.6:4 That any adverse effects of the proposed development and activities emanating there from which affect adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback and location of buildings, structures and entryways. All loading and unloading areas and outside storage areas, including areas for the storage of refuse, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height.
- 9.6:5 That the layout of buildings and improvements will minimize any harmful or adverse effect which the development might otherwise have upon the surrounding neighborhood. Physical improvements including sidewalks, drives and parking areas shall be built to adequate standards to minimize premature deterioration. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spill or discharges to the air, surface of the ground, groundwater, streams, drains or wetlands. Secondary containment for above ground storage of hazardous material shall be provided.
- 9.6:6 That all provisions of all local ordinances, including the City Zoning Ordinance, are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.

Planning Commissioners are encouraged to review the Application against the Criteria in Section 9.6 to decide if they find it meets or fails to meet them. These Criteria shall be used to decide the Action taken by the Planning Commission.

**Recommendation**

Staff recommends approval of the Site Plan Review Application for a drive thru improvements for Burger King at Parcel 17-15-436-001, 804 S. State St., as it meets the Criteria for Review found in Section 9.6 of the Zoning Ordinance.

## Action

Three options lay before the Planning Commission regarding Site Plan Review Applications: Approval, Denial, or Approval with Conditions. Explanations and sample motions are included below.

## Approval

An approval motion is appropriate when the Application meets the Standards of the Zoning Ordinance and approves the Application.

“I move that the Site Plan Review Application for drive thru improvements for Burger King at Parcel 17-15-436-001, 804 S. State St. be approved, because it meets all of the Criteria for Review set in Section 9.6 of the Zoning Ordinance.”

## Denial

A denial motion is appropriate when the Application fails to meet the Standards of the Zoning Ordinance and ends the application process.

“I move to deny the Site Plan Review Application for drive thru improvements for Burger King at Parcel 17-15-436-001, 804 S. State St., because it does not meet Criteria 9.6:X of the Zoning Ordinance. *(Fill in the X with which number Criteria the application does not meet.)*”

## Approval with Conditions

An approval with conditions motion is appropriate when the Application meets the Standards of the Zoning Ordinance, but the Planning Commissioners believe a few minor conditions or alterations are required. This motion approves the Application contingent upon the listed conditions.

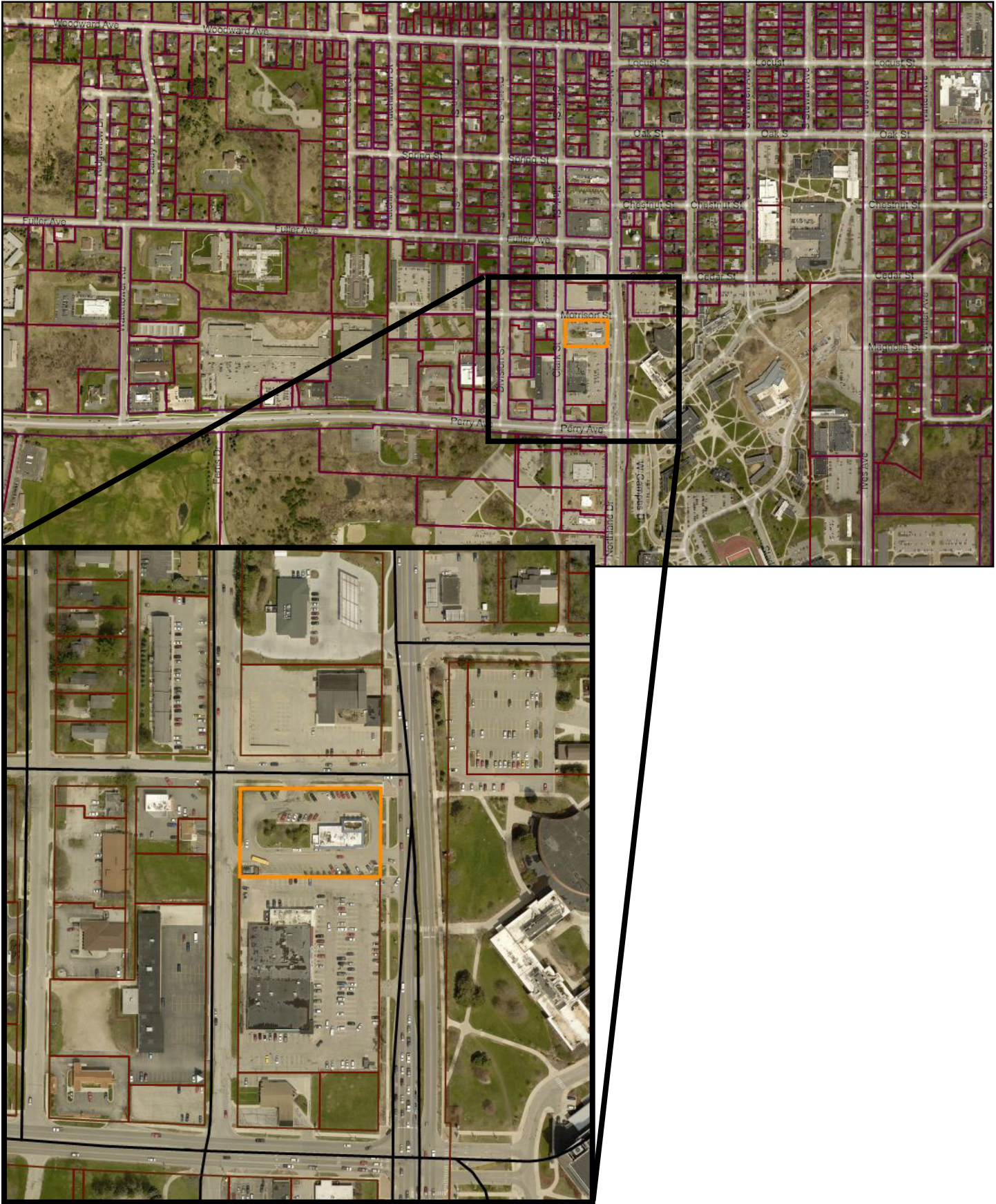
“I move that the Site Plan Review Application drive thru improvements for Burger King at Parcel 17-15-436-001, 804 S. State St. be approved with conditions. The Application meets the Criteria for Review set in Section 9.6 of the Zoning Ordinance, but conditions are required to *(select from the relevant reasons below)*

- (1) Ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- (2) Protect the natural environment and conserve natural resources and energy.
- (3) Ensure compatibility with adjacent uses of land.
- (4) Promote the use of land in a socially and economically desirable manner.

The following conditions are required to address this need: *(list conditions here. Could include items like requiring additional permits, revising plans to show needed changes, demonstrating adequacy of the stormwater detention facilities, or moving features out of the fire lane, among others).*

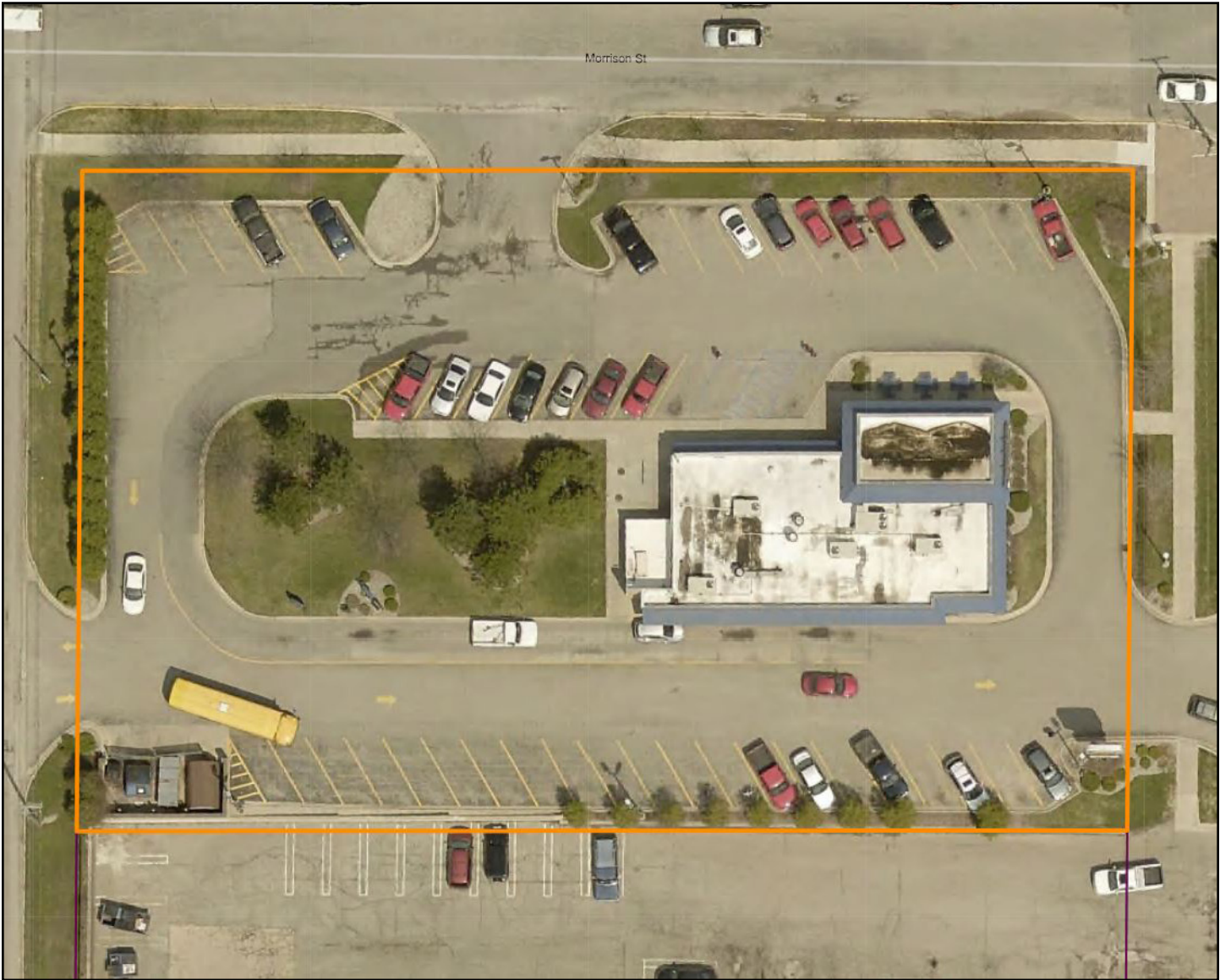
A revised, dated site plan and documents addressing the above shall be submitted for staff approval within 60 days.”

Location Map - Burger King Site Plan Review





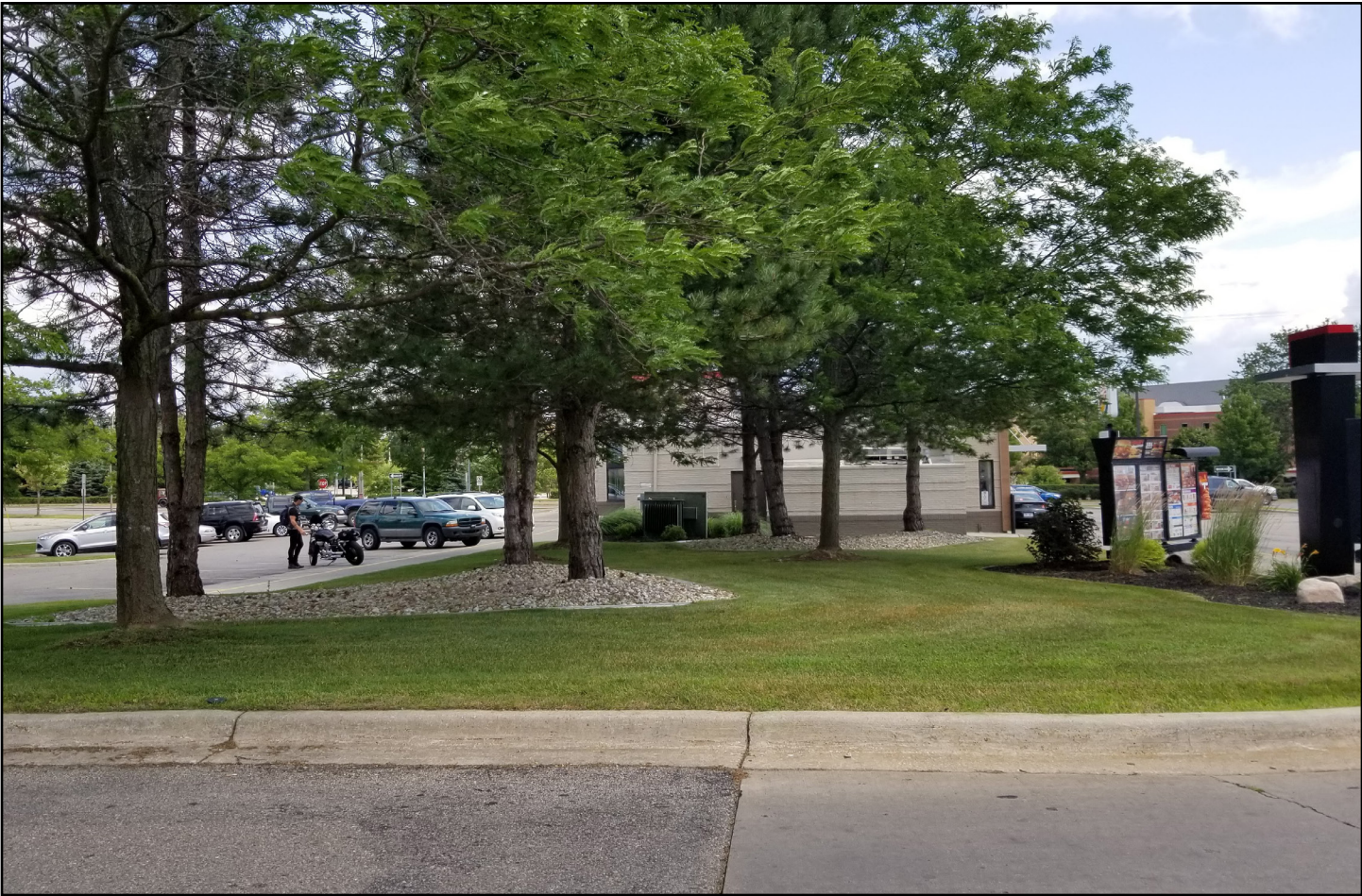
Aerial Imagery















CITY OF BIG RAPIDS  
SITE PLAN REVIEW APPLICATION



APPLICANT NAME: J.S.R. CONSTRUCTION

APPLICANT ADDRESS: 83-54TH STREET GR MI 49548

APPLICANT PHONE NUMBER: 616-262-2035 FAX NUMBER: \_\_\_\_\_

PROJECT TITLE: BURGER KING

PROJECT ADDRESS/LOCATION: 804 S. STATE ST BR

SUBJECT PROPERTY OWNER: NORTH WINDS INV.

LEGAL DESCRIPTION OF PROPERTY (attach separate sheet)

SUBJECT PROPERTY ZONING: C-3 SITE SIZE (ACRES): 1.15

**LIST ALL REQUIRED STATE AND FEDERAL PERMITS ON SEPARATE SHEET**

In compliance with Section 9.4 of the City of Big Rapids Zoning Ordinance, twelve copies of a complete proposed site plan must be submitted to the Department of Neighborhood Services, a minimum of twenty days prior to the Plan Board hearing date. Failure to submit complete plans, a completed application form and filing fee may result in the site plan review hearing being delayed.

**SITE PLAN INFORMATION REQUIREMENTS**

**TWELVE COPIES** (12) of the proposed site plan, drawn on 24" x 36" paper

**SCALE OF 1" = 20'** for sites up to three acres and **1" = 100'** for sites over three acres

**LEGEND** including north arrow, scale, date of preparation and name, address and telephone number of individual or firm preparing the plan

**SEAL** of professional architect, engineer or surveyor preparing the plan

**LOCATION MAP** indicating relationship of the site to surrounding land use

**LOT LINES** together with dimensions, angles and size correlated with the legal description, which is tied to existing monumentation

**TOPOGRAPHY** of the site in two foot contour intervals

**NATURAL FEATURES** such as wood lots, streams, rivers, lakes, wetlands, unstable soils and similar items

**MAN MADE FEATURES** within 100 feet of the site

**BUILDING SIZE**, height, finish floor and grade line elevations, yard setbacks and square footage. Front, side and rear elevations drawings of proposed structures.

**FLOOR PLAN** of structures showing existing and proposed uses (used to verify gross vs. usable floor areas and principal vs. accessory uses).

**STREETS**, driveways, sidewalks and other vehicle or pedestrian circulation features upon and adjacent to the site shall be shown

**PARKING SPACES**, location, size and number, service lanes, delivery and loading areas

**CROSS SECTIONS** illustrating construction of drives and parking areas

**LANDSCAPING**, together with open spaces, screening, fences, walls and proposed alterations of topography or other natural features.

**SERVICE DEMANDS** from the community to support proposed operations on the site

**EARTH CHANGE** plans required by State law

**SITE LIGHTING** including location, intensity and orientation

**SURFACE WATER DRAINAGE**

**UTILITY LOCATION** and size for sanitary sewer, water, storm sewer, natural gas, electricity, telephone, coaxial cable, fiber optic, etc.

**FIRE LANES**

**OUTDOOR STORAGE**

**TRASH RECEPTACLES**

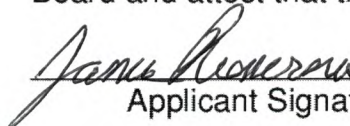
**HAZARDOUS MATERIAL** storage facilities, including type, quantity, location and secondary containment provisions

**OTHER INFORMATION** as required by the Plan Board

**DIGITAL COPY** submitted in an AutoCAD compatible format

**SITE PLAN REVIEW FEE**

I have read the requirements of submittal and review of a site plan by the City of Big Rapids Plan Board and attest that the provided site plan is complete:

  
Applicant Signature

7-24-19  
Date



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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Review of Neighborhood Services Fee Schedule  
DATE: September 18, 2019

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### **Introduction**

Residents and property owners in the City of Big Rapids come to the Neighborhood Services Department, Planning Commission, and Zoning Board of Appeals for a variety of permits and reviews. The City Zoning Ordinance establishes the framework for to attach fees to these services in Article 14.3:2.

Fees. The City Commission shall establish by resolution a schedule of fees for all permits, certificates, and hearings required by this Ordinance.

- (1) The schedule of fees shall be posted in the Office of the City Clerk.
- (2) All such fees shall be payable to the City at the Office of the City Treasurer.
- (3) No application for a permit, certificate, or hearing shall be considered complete until all fees have been paid in full.

The current Neighborhood Services Fee Schedule is attached. Staff was unable to ascertain when this schedule of fees was adopted, although records show the current fee amounts to be unchanged at least as far back as 1994. After 25 years, it is time to reevaluate the fee schedule. As these fees pertain primarily to activities overseen by the Planning Commission, it was the advice of City staff that the Planning Commission review and make a recommendation to the City Commission of a revised Neighborhood Services Fee Schedule.

### **Analysis of Resources**

Staff conducted a series of estimations as to the cost in resources and staff time that accompany each application that would come before the Planning Commission, such as a Site Plan Review, Rezoning Request, or Special Land Use Permit. Data was compiled from the eight such applications to date in 2019, including the cost to publish the Public Hearing Notice in the Pioneer's Classified section, printing and mailing the Public Hearing Notice to property owners within 300 ft of the property in question, and printing the staff reports and materials. The average cost for these tasks has been \$50.00 to publish in the Pioneer, \$15.00 to print and \$13.00 in postage fees for the average of 25 mailed notices, and \$23.00 to print the average 11 pages of staff reports and materials for every Commissioner. This comes to an average total of \$101.00 for these tasks.

The other major cost associated with these tasks is staff time taken to review applications and prepare materials. The Neighborhood Services Director is the primary staff member of these tasks. She typically spends between 4 and 10 hours on each application, which calculates to a staff time cost between \$124 and \$310 for salary alone, not including benefits and ancillary costs. Application projects also require consultation with other staff members such as the City Manager, City Attorney, City Assessor, Public Works Director and Engineering staff members,

Deputy Director of Public Safety, Building Official and others. Some projects also require staff to seek the expertise of the engineers at Fleis & VandenBrink, the City's engineering consultant.

### **Comparison Chart**

Staff also researched the fee schedules of similar departments at comparison communities. A table showing that information is attached. The City's included in this analysis include Sault Ste Marie, Ludington, Mt Pleasant, Marquette, Cadillac, and Douglas. It was the goal to select a range of communities of a similar size or with similar features to Big Rapids.

### **Recommendation**

It is not the belief of the Neighborhood Services Department staff that fees should be exorbitant or should cover all the costs of the time and resources that go into that work. However, it is deemed reasonable to set fees that are appropriately scaled to the cost of the service.

Staff recommendations regarding updated fees for the different services are included on the attached Fee Comparison Table.

### **Action**

The Planning Commission is encouraged to make a Recommendation to the City Commission to pass a resolution adopting an updated Neighborhood Services Fee Schedule.

## NEIGHBORHOOD SERVICES FEE SCHEDULE

|  | Reference Location               | Fee                   |
|--|----------------------------------|-----------------------|
| Application to International Property Maintenance Board of Appeals | IPMA, Sec. [A] 111.1             | \$75                  |
| Application to Zoning Board of Appeals                             | Zoning Ordinance Sec. 13.2:2(3)  | \$75                  |
| Conditional Use Permit   | Zoning Ordinance Sec. 10.2:2     | \$75                  |
| Dumpster Permit  |                                  | No Charge             |
| Fence Permit   | Zoning Ordinance Sec. 8.4:1      | No charge             |
| Sign Permit  |                                  |                       |
| Permanent  | Zoning Ordinance 6.10:3          | \$25                  |
| Temporary  | Zoning Ordinance 6.10:3          | \$10                  |
| Sidewalk Use Permit  | Resolution 08-67                 |                       |
| - Sandwich Signs   | July 21, 2008                    | \$25                  |
| - Eating with Tables & Chairs                                      |                                  | \$40                  |
| - With Alcohol Service   |                                  | \$50                  |
| - Private Benches  |                                  | \$25                  |
| -Private Plants, works of art, newsstands, mailboxes               |                                  |                       |
| -Larger than 7.5 sq. ft.   |                                  | \$25                  |
| -Smaller than 7.5 sq. ft.  |                                  | No charge - no permit |
| Site Plan Review   | Zoning Ordinance Sec. 9.4:1      | \$75                  |
| Rezoning (Map Change)  | Zoning Ordinance Sec. 14.2:2     | \$75                  |
| Text Change  | Zoning Ordinance Sec. 14.2:2     | \$75                  |
| Variances  | Zoning Ordinance Sec. 13.2:2 (3) | \$75                  |
| Zoning Permit  | Zoning Ordinance 14.3:3          | No Charge             |

**Fee Schedule Comparison Table**

|   | Big Rapids<br>Current | Big Rapids<br>Recommend | Sault Ste Marie          | Ludington          | Mt Pleasant                             | Marquette                           | Cadillac | Douglas    |
|---|-----------------------|-------------------------|--------------------------|--------------------|---|-------------------------------------|----------|------------|
| <b>Administrative</b>                         |                       |                         |                          |                    |   |                                     |          |            |
| Zoning Permit                                 | No charge             | No charge               |                          | \$10               |   |                                     |          |            |
| Fence Permit                                  | No charge             | \$10                    |                          |                    |   | \$100                               |          |            |
| Chicken Permit                                | \$25                  | \$25                    |                          |                    |   |                                     |          | \$20       |
| Sign Permit                                   |                       |                         | value based fee          | \$50/permit issued | Value: \$0-\$10k = \$75, \$10k+ = \$150 | \$143                               |          | \$100      |
| Permanent Sign                                | \$25                  | \$50                    |                          |                    |   |                                     | \$20     |            |
| Temporary Sign                                | \$10                  | \$25                    |                          |                    |   |                                     | \$10     |            |
| Lot Split or Land Division                    | \$50                  | \$200                   | \$50                     |                    |   |                                     | \$200    | \$250      |
| Misc., Utility, & Accessory Structures        |                       | Zoning Permit           |                          | \$25               |   |                                     |          |            |
| Swimming Pool                                 |                       | Zoning Permit           |                          |                    |   |                                     |          |            |
| Above-Ground                                  |                       |                         |                          |                    | \$75                                    |                                     |          |            |
| In-Ground                                     |                       |                         |                          |                    | \$150                                   |                                     |          |            |
| Temporary Structure (tent, storage container) |                       |                         |                          |                    | \$100                                   |                                     |          |            |
| Zoning Verification Letter                    | No charge             | \$10                    |                          |                    | \$60                                    |                                     |          |            |
| <b>Planning Commission</b>                    |                       |                         |                          |                    |   |                                     |          |            |
| Site Plan Review                              | \$75                  | \$200                   | \$75 Minor & \$150 Major | \$200              | \$730                                   | Sketch Plan=\$800, Full SPR=\$2,106 | \$35     | \$300      |
| Zoning Ordinance Amendment                    |                       | \$200                   |                          |                    |   |                                     |          | \$300      |
| Text Change                                   | \$75                  |                         |                          | \$200              |   | \$471                               |          |            |
| Map Change                                    | \$75                  |                         | \$200                    | \$200              | \$990                                   | \$518                               | \$200    |            |
| Special Land Use Permit                       | \$75                  | \$200                   |                          | \$200              | w/ SP=320, w/o SP=\$620                 | R = \$563, C/M.fam R = \$1,919      | \$150    | \$250      |
| PUD (includes SPR)                            | \$75                  | \$300                   |                          |                    |   | \$3,803                             | \$200    | \$1,000    |
| Site Condominium Review                       | \$75                  | \$300                   |                          |                    |   | \$1,780                             |          | \$50+1/lot |
| Street or Alley Vacation                      | No charge             | \$200                   | \$200                    |                    |   | \$518                               | \$200    | \$500      |
| Special Meeting Fee                           | No charge             | \$200                   |                          | \$100              | \$230                                   | \$183                               |          | \$500      |
| <b>Zoning Board of Appeals</b>                |                       |                         |                          |                    |   |                                     |          |            |
| Appeal or Variance                            | \$75                  | \$200                   | \$165                    | \$200              | \$500                                   | \$574                               |          | \$500      |
| <b>Property Maintenance Board of Appeals</b>  |                       |                         |                          |                    |   |                                     |          |            |
| Appeal  | \$75                  | \$200                   | \$100                    |                    |   |                                     |          |            |

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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Annual Organizational Meeting 2019  
DATE: September 18, 2019

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### **Introduction**

The Bylaws and Rules of Procedure for the City of Big Rapids Planning Commission call for an annual organizational meeting to be held each September at which time Officers shall be selected for the next year.

### **Officers and Duties**

There are four offices that need to be decided are Chairperson, Vice Chairperson, Secretary, and Recording Secretary.

Chairperson – The Chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein.

Vice Chairperson – The Vice Chairperson, in the absence of the Chairperson shall act in the capacity of the Chairperson. The Vice Chairperson shall succeed to the office of the Chairperson in the event of a vacancy in that office, in which case the Planning Commission shall select a successor to the office of the Vice Chairperson at the earliest possible time.

Secretary – The Secretary shall oversee the recording of minutes and keeping of records of Planning Commission business.

Recording Secretary – The Recording Secretary is appointed by the City Manager to take minutes of Planning Commission meetings. This individual need not be a member of the Planning Commission. The Current, appointed Recording Secretary is Cindy Plautz, the Neighborhood Services Coordinator.

Persons elected shall take office immediately following their election and shall hold their office for a term of twelve months. The Chairperson, Vice Chairperson, and Secretary shall not serve more than three consecutive terms.

### **Action**

The Planning Commission will be asked to nominate and vote on these three Offices at the meeting. Please consider who best can serve the board in this capacity.



# **Planning Commission**

## ***Regular Meeting***

Big Rapids City Hall  
226 N Michigan Avenue

October 16, 2019  
6:30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
  - a. September 18, 2019
5. Public Comment Not Related to Items on the Agenda
6. Public Hearing
  - a. Zoning Ordinance Text Amendment Application to permit  
Construction Equipment Sales, Service, and Rental in the  
Industrial District
7. General Business
8. Unscheduled Business
9. Adjourn

**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
September 18, 2019**

Chairperson Jane called the September 18, 2019, meeting of the Planning Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Renato Cerdena, Josh Foor, Paul Jackson, Chris Jane, Tim Vogel, and Bill Yontz

**ABSENT** Rory Ruddick

**ALSO PRESENT** Paula Priebe, Neighborhood Services Director  
Cindy Plautz, Neighborhood Services Coordinator

There were 3 people in the audience.

**APPROVAL OF MINUTES**

**Motion was made by Tim Vogel, seconded by Bill Yontz, to approve the minutes of the August 21, 2019, meeting of the Planning Commission as presented.  
Motion passed with all in favor.**

**PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA**

None heard.

**PUBLIC HEARING**

**Site Plan Review for 804 S State Street – Burger King Drive Through Improvements**

**Staff Report**

Priebe reviewed her staff report saying that the applicant, J.S.R. Construction has submitted a Site Plan Review application to modify the drive-thru from a single lane to a double lane. The property is located in the C-3 District and the Burger King building was originally approved in 1997.

The Site Plan was reviewed by the Mecosta County Building Inspector who had no comment due to the nature of the request. Deputy Director Steve Schroeder reviewed the plan and found no issues that would affect fire department safety concerns. Public Works Engineering Technician

Matt Ruelle determined that the project is exempt from stormwater review as there is no increase in size of the building. A review by Paula Priebe, Neighborhood Services Director, identified a decrease in the number of parking spots available and in the amount of landscaping, however, she believes the Site Plan to be in compliance with the Ordinance.

The Site Plan has been approved by City Staff.

### **Applicant Statement**

Owner Kevin #####, of Real King, LLC, 109 E Broadway, Mt. Pleasant, MI 48858, stated that he also owns the Burger King in Reed City and the Big Rapids Qdoba. The building was remodeled 3 years ago and now the Burger King Corporation is requiring the drive-thru expansion to keep up to date and to be able to compete with McDonalds by offering speedier service. They will be doing the same in Reed City also. If approved tonight, he estimates that the project would be complete by approximately October 14, 2019.

Audience member Pat Cady asked if there would be a need to close Clark Street for the construction. There will be no need.

Yontz asked if the whole parking lot will be repaved. Only the portion designated on the Site Plan will be repaved. The applicant added that the back portion of the parking lot is wet due to artesian wells.

Chairperson Jane opened the Public Hearing portion of the meeting at 6:38 PM.

**Those Who Spoke in Favor:** None heard.

**Those Who Spoke in Opposition:** None heard.

**Telephonic or Written Correspondence Received by Staff:** Betty Goldammer, 220 Morrison, stated that whatever helps people get through the drive-thru faster is good.

**Chairperson Jane closed the Public Hearing at 6:39 PM and the Commission entered into Fact Finding.**

Vogel asked if the stacking of cars will interfere with street traffic. The applicant stated that there are a lot of cars that enter off of Clark Street and they will now have to go all the way around the building to get in line for the drive-thru. Vogel asked if Morrison will be affected by the stacking and the applicant said he can't tell at this time. Traffic will be directed with clearance signs. Trucks and cars with trailers will be directed to use the outside lane. The applicant added that they will have to hire more people to man both lanes. They would make the improvement at this location even if corporate did not require them to do so.

Foor wanted clarification on the number of parking spaces needed. Priebe said they are based on the number of patron seating and number of employees required to man the busiest shift. There is actually less seating than there was when the building was originally built, and the parking regulation is satisfied.

### **Motion**

**Motion was made by Tim Vogel, seconded by Bill Yontz, to approve the Site Plan Review for drive-thru improvements for the Burger King at Parcel #17-15-436-001, 804 S. State Street, because it meets all of the Criteria for Review set forth in Section 9.6 of the Zoning Ordinance.**

**Motion passed with Renato Cerdena, Josh Foor, Paul Jackson, Chris Jane, Tim Vogel, and Bill Yontz in favor.**

### **GENERAL BUSINESS**

#### **Review of Neighborhood Services Fee Schedule**

As the Neighborhood Services Fee Schedule has not been updated for many years, Priebe identified a need to do so. She pointed out that the goal is not to make a profit but to simply cover costs of providing the permits and zoning services. A comparison table was created that compares fees charged for similar permits/services in other communities. Communities of similar size and characteristics were reviewed, and it was found that Big Rapids' fees were significantly less than charged elsewhere. The comparison cities included Sault Ste Marie, Ludington, Mt Pleasant, Marquette, Cadillac and Douglas.

According to the City Treasurer, Neighborhood Services collects between \$1,500 and \$2,000 in fees annually. If the City decides to opt into allowing marihuana establishments, these fees will go up. The fees go into the General Fund. The City also needs to be careful not to discourage development.

A new fee of \$200 for holding a Special Meeting was added when it was deemed necessary outside of our regular schedule. The Commission thought that it would not be fair to charge someone the fee if the Special Meeting was needed due to circumstances such as lack of a quorum. They would like to be able to waive the fee in the event the Special Meeting is needed for reasons beyond the applicant's control.

### **MOTION**

**Motion was made by Bill Yontz, seconded by Paul Jackson, to recommend the City Commission pass a resolution adopting the new Neighborhood Services Fee Schedule**

**(attached) with the addition of allowing the Special Meeting Fee to be waived when it is not the applicant's fault for calling the Special Meeting.**

#### Annual Organizational Meeting

The Bylaws and Rules of Procedure for the City of Big Rapids Planning Commission call for an annual organizational meeting to be held each September at which time Officers shall be selected for the next year.

The Recording Secretary is appointed by the City Manager. Cindy Plautz will remain as the Recording Secretary.

#### MOTION

**Motion was made by Josh Foor, seconded by Tim Vogel, to nominate Chris Jane as Chairperson.**

**Motion was made by Chris Jane, seconded by Bill Yontz, to nominate Paul Jackson as Vice-Chairperson.**

**Motion was made by Chris Jane, seconded by Tim Vogel to nominate Bill Yontz as Secretary.**

**As all accepted their nominations, the motions passed unanimously with Renato Cerdena, Josh Foor, Paul Jackson, Chris Jane, Tim Vogel and Bill Yontz in favor.**

#### UNSCHEDULED BUSINESS

Foor made a suggestion that perhaps it would be easier for people to volunteer to serve on City Boards if childcare was made available.

Priebe reported that she received a letter from Big Rapids Township concerning their intent to update their Master Plan. As part of the requirement for the State to accept the Plan, they have to provide a copy for the Planning Commission to review and make comments. Priebe will email the Intent to Plan notice to all Planning Commission members.

Priebe thanked those that were able to attend the Downtown visioning session and is looking for volunteers to serve on a Steering Committee to give feedback to the City's consultant - the SmithGroup. They will meet one or two times.

Chris Jane and Josh Foor have volunteered to serve, and the first meeting will be held in the morning of October 14<sup>th</sup>.

A consultant is looking into how to use the Depot on Maple Street if it is acquired from the DNR, and a State Senator is introducing a bill to ask the DNR to sell the property to the City for one dollar. After the consultants submit their suggestions, a taskforce meeting will be held.



**There being no further business, Chairperson Jane closed the meeting at 7:10 PM with all in favor.**

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary

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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Zoning Ordinance Amendment – Construction Equipment Sales, Repair, Rental  
DATE: October 16, 2019

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### **Introduction**

Applicant Tarbert Properties, LLC has submitted a Zoning Ordinance Text Amendment Application to permit Construction Equipment Sales, Service, and Rental in the Industrial District. They have a purchase agreement for the property at 123 N. DeKrafft Avenue and hope to use the property for a MacAllister Rentals Store. The full application is attached.

### **Zoning Ordinance Text Amendment Process and Procedure**

The Zoning Ordinance Text Amendment Application was received by the Neighborhood Services Department on September 26, 2019. As required by Ordinance, Zoning Ordinance amendments must go through a public hearing process. Notice was posted in the Big Rapids Pioneer on October 2, 2019.

Text Amendments are reviewed first by the Planning Commission after a Public Hearing is held. The Planning Commission makes a recommendation to the City Commission, who will vote on adoption of the Ordinance Amendment.

### **Standards for Zoning Amendment Review**

Section 14.2:4 of the Zoning Ordinance clearly lays out a series of standards for reviewing Zoning Amendments, stating as follows:

The Planning Commission and City Commission shall consider the request for an amendment to the Zoning Ordinance in accordance with the following standards:

- (1) The use requested shall be consistent with and promote the intent and purpose of this Ordinance.
- (2) The proposed use will ensure that the land use or activity authorized shall be compatible with adjacent land uses, the natural environment, and the capabilities of public services affected by the proposed land use.
- (3) The land use sought is consistent with the public health, safety, and welfare of the City of Big Rapids.
- (4) The proposed use is consistent with the City Master Plan or a determination that the plan is not applicable due to a mistake in the plan, changes in relevant conditions, or changes in relevant plan policies.

Planning Commissioners are encouraged to review the proposed Amendment against the standards in Section 14.2:4 to decide if they find it meets or fails to meet them. These standards shall be used to decide the recommendation provided by the Planning Commission.

### **Recommendation**

Staff supports recommending adoption of the Zoning Ordinance Amendment to permit Construction Equipment Sales, Service, and Rental in the Industrial District, as the amendment meets the standards for review found in Section 14.2:4 of the Zoning Ordinance.

### **Action**

Two options lay before the Planning Commission regarding Zoning Ordinance Text Amendment Applications: Recommendation to Adopt or Recommendation to Not Adopt. As the City Commission has the final determination on Ordinance Amendments, the application must be forwarded to them with a recommendation.

Explanations and sample motions are included below.

#### **Recommendation to Adopt**

A recommendation of adoption motion is appropriate when the Application meets the Standards of the Zoning Ordinance.

“I move recommend that the Zoning Ordinance Text Amendment Application to permit Construction Equipment Sales, Service, and Rental in the Industrial District be adopted, because it meets all of the Standards for Review set in Section 14.2:4 of the Zoning Ordinance.”

#### **Recommendation to Not Adopt**

A recommendation to not adopt motion is appropriate when the Application fails to meet the Standards of the Zoning Ordinance.

“I move to recommend that the Zoning Ordinance Text Amendment Application to permit Construction Equipment Sales, Service, and Rental in the Industrial District not be adopted, because it does not meet the Standards for Review set in Section 14.2:4 of the Zoning Ordinance.” *(Include which number Standards the application does not meet.)*”

## Zoning Ordinance Text Amendment Draft

### To be added to the List of Uses in the I - Industrial District:

“Construction Equipment Sales, Service, and Rental, subject to the conditions of Section 11.1:29.”

If added as a Permitted Use = 3.12:2 (9)

If added as a Special Land Use = 3.12:7 (4)

### To be added to the Conditions in Article 11:

Section 11.1:29

Construction Equipment Sales, Service, and Rental may be permitted within the I - Industrial District under the following conditions:

- (1) Outdoor display and storage of equipment shall conform to the lot, yard, and area requirements of the I – Industrial District.
- (2) Equipment stored outdoors may be stored up to 40 feet in height.
- (3) All service activities shall be conducted completely within an enclosed building.
- (4) Interior site circulation shall be planned in such a manner that any trucks, tractors, cranes, or any other large construction related vehicles shall not protrude into any road right of way during ingress or egress from the site.
- (5) Uses shall produce no detectable objectionable dust, fumes, or odors at any property line.



YOUR PERFORMANCE PARTNER  
SINCE 1945

Ms. Paula Priebe  
2019  
Director of Neighborhood Services  
City of Big Rapids  
226 North Michigan Avenue  
Big Rapids, MI 49307

September 24,

Re: Zoning Application for 123 North DeKraft Avenue

Dear Paula,

Tarbert Properties (the LLC for MacAllister Machinery/Michigan CAT / MacAllister Rentals real estate holdings) has executed a purchase agreement for the property at 123 North DeKraft Avenue. The intended development for the property will be a new MacAllister Rental Store. As discussed previously, this intended use will require a zoning text amendment to allow for outdoor storage of construction rental equipment. Our understanding is that rezoning is not required as the land is currently zoned for industrial use (I-2).

Enclosed are the following items for our application:

- Big Rapids Zoning Application to the Planning Commission for Zoning Request
- Description of proposed new text
- Check for \$75 made payable to City of Big Rapids to cover the application fee
- Aerial photo site plan

Please let me know if there is any additional information required for this application.

Sincerely,  
Rich Potosnak



Director of Facilities & Real Estate

**MacAllister Machinery Company, Inc.**

Corporate Office: 6300 Southeastern Ave. • Indianapolis, IN 46203 • (317) 545-2151 • (800) 382-1896





## City of Big Rapids

### Department of Neighborhood Services Application to Planning Commission for Zoning Request

Phone: (231) 592-4057

Website: [www.cityofbr.org](http://www.cityofbr.org)

The City of Big Rapids Planning Commission meets in a regular session on the third Wednesday of each month at 6:30 p.m. at City Hall, 226 N. Michigan Avenue, Big Rapids, MI 49307

**Materials related to requests for Commission action, including any required fees, must be filed with the Neighborhood Services Department.**

Filing requests which are not complete or which are not filed by the meeting deadline, as determined by the Neighborhood Services Department, will not be placed on the agenda of the respective Commission meeting, nor will they be considered at the respective Commission meeting.

Applicant attendance is required at the public hearing, be prepared to speak on your behalf. Please note: The Planning Commission decides based on your application and information you have supplied based on criteria in the Big Rapids Zoning Ordinance.

Filing Deadlines are established at **21 calendar days** prior to the Commission meetings:



## City of Big Rapids

### Department of Neighborhood Services Application to the Planning Commission for Zoning Request

Application Date: September 24, 2019

#### Applicant Information:

|                                  |  |
|----------------------------------|--|
| <b>Name:</b>                     | Tarbert Properties, LLC  |
| <b>Address:</b>                  | 6300 Southeastern Avenue, Indianapolis, IN 46203                               |
| <b>Phone Number:</b>             | (317) 860-3370   |
| <b>Property Zoning:</b>          | I-2  |
| <b>Request Property Address:</b> | 123 North DeKraft Avenue, Big Rapids, MI 49307                                 |
| <b>Explanation of Request:</b>   | A text amendment to allow for outdoor storage of construction rental equipment |
|                                  |  |

Please check one of the following:

☐ Conditional Use Permit, Please include the following information

1. A legal description of the property.
2. Twelve (12) copies of a site plan meeting the requirements of Section 9.4 of the Big Rapid Zoning Ordinance as amended.
3. A written description of the use.
4. Address use standards set forth in Section 10.3:8.
5. \$75.00 Application Fee

☐ Zoning Amendment Review, Please include the following information:

☐ Rezoning

1. A legal description of the property.
2. A written description of reasons for rezoning and proposed new zoning classification.
3. Address the requirements set forth in Section 14.2:4. (posting of notification)
4. A location map.
5. \$75.00 Application Fee

☒ Text or Map Amendment

1. A written description of proposed changes and reasons why.
2. In the case of a text amendment, proposed new text shall be submitted.
3. In the case of a map amendment, proposed new map shall be submitted.
4. Address the requirements set forth in Section 14.2:2.
5. \$75.00 Application Fee

*Rich Potosnak*

\_\_\_\_\_  
Signature of applicant or property owner

September 24, 2019

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature of Zoning Administrator for Approval

\_\_\_\_\_  
(Date)

September 24, 2019

Re: Text Amendment Application for 123 North DeKraft Avenue (Parcel Number 71-11-400-005)

Tarbert Properties (the LLC for MacAllister Machinery/Michigan CAT / MacAllister Rentals real estate holdings) has a purchase agreement with the Owners of 123 North DeKraft Avenue, Big Rapids, MI. In order to close on this property, we are seeking a Text Amendment for the property that is currently zoned I-2.

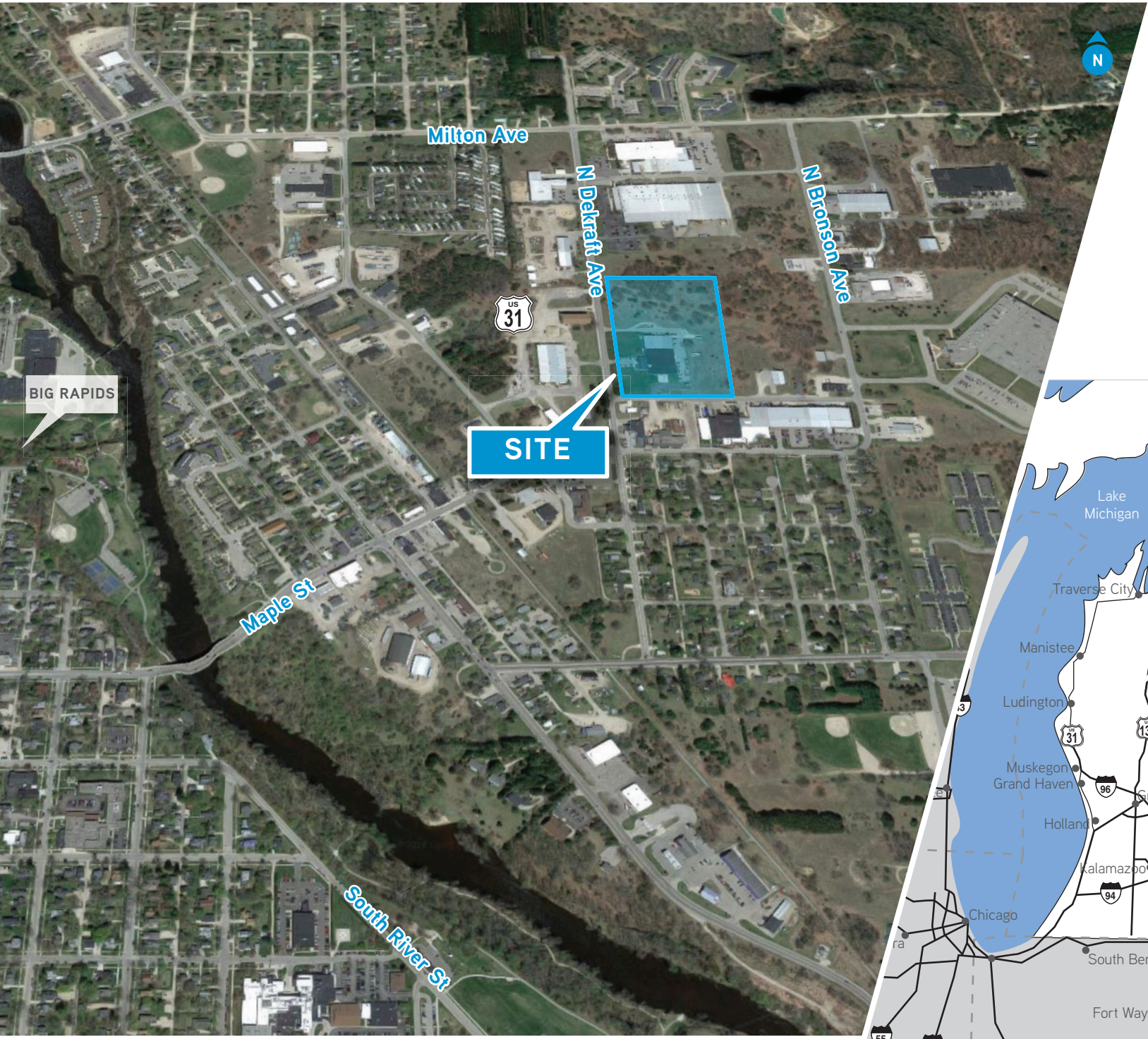
The proposed use of the property for which we are seeking the text amendment will be as follows:

- Develop and operate a MacAllister Rentals Store ("CAT The Rental Store")
- This store is for the rental, sales and service of construction equipment and associated supplies.
- The existing building on the property will remain and be renovated to accommodate the new use.
- Other improvements to the site shall include paving repairs, fencing, and signage.
- The operation is expected to be initially staffed by 15 employees and grow to 20 within a year or two.
- Operating hours will typically be Monday through Friday from 7:00 am to 5:00 pm.
- Within the fenced property, rental equipment will be stored outdoors. For space efficiency and safety/security reasons, some equipment will have to be stored in an upright position. Thus, we are requesting that the text amendment allow for such equipment to be stored up to 40' in height.

Based on the size and quantity of construction equipment, it will be necessary to store the equipment outdoors. Also, for customer service it is desirable to have the equipment on display outside of the building. Thus, the proposed new text on the zoning for the property for which we are seeking is as follows:

- Within the property set-backs, the zoning shall allow for construction rental equipment to be displayed and stored outdoors. This equipment shall be stored up to 40' in height.





# Location Maps

- Distance to
- Grand Rapids: 57.3 miles
  - Muskegon: 65.4 miles
  - Holland: 84.6 miles
  - Traverse City: 104 miles
  - Lansing: 112 miles
  - Detroit: 212 miles







N Bronson Ave

N Dekraft Ave



## Paula Priebe

---

**From:** Rich Potosnak <RichPotosnak@MacAllister.com>  
**Sent:** Tuesday, October 1, 2019 10:19 AM  
**To:** Paula Priebe  
**Subject:** [External Sender] FW: rezoning application

Paula, please see email message below from the owner of the property at 123 N Dekraft. (Joe McDonald). Please confirm that this is adequate for our application.

Thanks,  
Rich

---

**From:** Wieringa, Trent <Trent.Wieringa@colliers.com>  
**Sent:** Monday, September 30, 2019 8:42 AM  
**To:** Rich Potosnak <RichPotosnak@MacAllister.com>  
**Subject:** FW: rezoning application

See below, hopefully this works for the municipality.

Thanks

### **Trent L. Wieringa SIOR**

Vice President | West Michigan  
Brokerage

**Mobile +1 616 481 3868** | Direct +1 616 988 5833

Main +1 616 774 3500 | Fax +1 616 242 0633

[trent.wieringa@colliers.com](mailto:trent.wieringa@colliers.com)

### **Colliers International**

333 Bridge St NW, Suite 1200, Grand Rapids, MI 49504

[www.colliers.com](http://www.colliers.com)



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**From:** Joe McDonald <[JMcDonald@acmemarine.com](mailto:JMcDonald@acmemarine.com)>  
**Sent:** Monday, September 30, 2019 8:42 AM  
**To:** Wieringa, Trent <[Trent.Wieringa@colliers.com](mailto:Trent.Wieringa@colliers.com)>; Wes Kent <[WKent@acmemarine.com](mailto:WKent@acmemarine.com)>  
**Subject:** RE: rezoning application

Hi Trent,

Tarbert Properties LLC is authorized to apply for a text amendment on 123 N Dekraft. Thanks

Joe McDonald  
Manager  
123 Dekraft LLC

# **Planning Commission**

## ***Regular Meeting***

Big Rapids City Hall  
226 N Michigan Avenue

November 20, 2019  
6:30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
  - a. October 16, 2019
5. Public Comment
6. Public Hearing
  - a. Zoning Ordinance Text Amendment to clarify that the setback requirement for marihuana establishments is 500 feet from K-12 schools, public or private, measured in a straight line from property line to property line.
7. General Business
  - a. Upcoming Zoning Amendments
    - i. Rezoning of 906 N. State St.
    - ii. Flexible Parking Standards.
    - iii. Form Based Code Amendments to C-2 and R-R Districts.
8. Unscheduled Business
9. Adjourn

**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
October 16, 2019**

Chairperson Jane called the October 16, 2019, meeting of the Planning Commission to order at 6:32 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Renato Cerdena, Rory Ruddick, Tim Vogel, and Bill Yontz

**EXCUSED** Josh Foor

**ABSENT** Chris Jane, Paul Jackson

**ALSO PRESENT** Paula Priebe, Neighborhood Services Director  
Cindy Plautz, Neighborhood Services Coordinator

There were 2 people in the audience.

**APPROVAL OF MINUTES**

**Motion was made by Bill Yontz, seconded by Rory Ruddick, to approve the minutes of the September 18, 2019, meeting of the Planning Commission as presented.**

**Motion passed with all in favor.**

**PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA**

None heard.

**PUBLIC HEARING**

**Zoning Ordinance Text Amendment Application to Permit Construction Equipment Sales, Service and Rental in the Industrial District.**

**Staff Report**

Priebe reviewed her staff report saying that the applicant, Tarbert Properties, LLC, is applying for the Zoning Ordinance Text Amendment as they are interested in purchasing 123 N DeKrafft for use as a MacAllister Rentals Store. The property is located in the Industrial District which currently does not specifically list this type of use as a Permitted Use. A similar use is allowed in the C-3 District, but staff believes it is a better fit in the Industrial District due to the nature of

the business. Applying for the Zoning Amendment would add this type of use as a Permitted Use which would take away any ambiguity. In reviewing other city's Zoning Ordinances, this type of use is allowed in their Industrial Districts as well.

The Planning Commission was asked to review the request and decide if they agree with the staff recommendation to adopt the Zoning Ordinance Amendment to permit Construction Equipment Sales, Service, and Rental in the Industrial District, as it meets the standards for review found in Section 14.2:4 of the Zoning ordinance. Or, if they prefer, another option would be to allow this use in the Industrial District as a Special Land Use. Priebe pointed out that a Special Land Use would require the applicant to go through another application process and Public Hearing and it would take an additional amount of time.

Priebe reviewed the Standards for Zoning Amendment Review found in Section 14.2:4. They are as follows:

The planning Commission and City Commission shall consider the request for an amendment to the Zoning Ordinance in accordance with the following standards:

- 1) The use requested shall be consistent with and promote the intent and purpose of this Ordinance.
- 2) The proposed use will ensure that the land use or activity authorized shall be compatible with adjacent land uses, the natural environment, and the capabilities of public services affected by the proposed land use.
- 3) The land use sought is consistent with the public health, safety, and welfare of the City of Big Rapids.
- 4) The proposed use is consistent with the City Master Plan or determination that the plan is not applicable due to a mistake in the plan, changes in relevant conditions, or changes in relevant plan policies.

Priebe also mentioned that the use would be subject to the following Conditions if recommended:

- 1) Outdoor display and storage of equipment shall conform to the lot, yard, and area requirements of the I – Industrial District.
- 2) Equipment stored outdoors may be stored up to 40 feet in height
- 3) All service activities shall be conducted completely within an enclosed building.
- 4) Interior site circulation shall be planned in such a manner that any trucks, tractors, cranes, or any other large construction related vehicles shall not protrude into any road right of way during ingress or egress from the site.

Priebe mentioned that the 40-foot height maximum was added per the applicant's request.

## **Applicant Statement**

Joe Fimbinger, General Manager, Tarbert Properties, LLC, gave a history of the company saying it began in 1945. As construction equipment is very expensive, contractors are opting to rent equipment for their jobs rather than buying it. This use has increased in recent years so that they now have 12,000 pieces of equipment available. As transportation of the rented equipment is expensive, they look to locate in unrepresented areas and offer services local services keeping the rental costs lower for their customers. They have a company in Traverse City and one in Byron Center, but nothing in between.

Fimbinger said that they plan to partner with Ferris State University and offer internships to those in the University's Construction Management, Diesel Technician, and Heavy Equipment programs. This partnership will help the students as well as the company as they have trouble finding qualified employees and they are hoping that the exposure will entice applicants.

Ruddick mentioned that they use MacAllister for their needs at Bouma (his place of employment) and they are a good company to work with.

The applicant said that the company will occupy the whole site and would eventually like to build a structure in which to wash the equipment.

**Acting Chairperson Vogel opened the Public Hearing at 6:57 PM.**

**Those Who Spoke in Favor of the Request:** None heard.

**Those Who Spoke in Opposition of the Request:** None heard.

**Written or Telephonic Communication Received by Staff:** None.

**Acting Chairperson Vogel closed the Public Hearing at 6:58 PM and the Commission entered into Fact Finding.**

Yontz was in favor of the Text Amendment and believes it will bring people into the City and perhaps be a catalyst for young people to stay in the area.

Priebe asked the Commission to consider whether this use should be Permitted Use or a Special Land Use in the Industrial District.

The Commission reviewed the Standards for Zoning Amendment Review and determined that all 4 Standards were met. They are in favor of the *Permitted Use* over the *Special Land Use*.

Vogel asked that the definition of *construction equipment* be added to the Zoning Ordinance.



When asked about the need for the 40-foot height limit, Fimbinger said that they don't carry the bigger cranes but said for safety and compact use of space they store their cranes at a 45 degree upward angle. It is a security measure to deter unwanted activity.

Fimbinger also said that they participate in benefitting the communities in which they are located.

Vogel again asked about the Special Land Use designation and Priebe said that it is more of a process for the applicant. They must apply, pay a fee, have a site plan and conform with the 6 Standards. It is reviewed by staff and then goes to the Planning Commission for review and recommendation at a Public Hearing.

Vogel reiterated that the Commission agrees that the request meets the Standards for a Permitted Use outlined in Section 14.2:4 of the Zoning Ordinance and agrees with the Conditions that must be met as found in Section 11.1:30 of the Zoning Ordinance.

### **Motion**

**Motion was made by Bill Yontz, seconded by Rory Ruddick, to recommend the Zoning Ordinance Text Amendment Application to permit Construction Equipment Sales, Service and Rental in the Industrial District as a Permitted Use be adopted as it meets all of the Standards for Review set forth in Section 14.2:4 of the Zoning Ordinance. The text to be added reads as follows:**

#### **To be added to the List of Definitions in Article 2.2:90**

**Construction Equipment Sales, Service, and Rental – Retail establishments selling or renting light or heavy construction equipment, as well as performing maintenance on that equipment. Examples of this equipment include skid steers, backhoes, dozers, and industrial forklifts.**

#### **To be added to the List of Uses in the I - Industrial District:**

##### **Section 3.12:2 (14) Permitted Uses**

**“Construction equipment sales, service, and rental, subject to the conditions of Section 11.1:30.”**

#### **To be added to the Conditions in Article 11.1:30**

**Construction equipment sales, service, and rental may be permitted in the Industrial District under the following conditions:**

- 1) Outdoor display and storage of equipment shall conform to the lot, yard, and area requirements of the Industrial District.**
- 2) Equipment outdoors may be stored up to 40 feet in height.**

- 3) All service activities shall be conducted completely within an enclosed building.
- 4) Interior site circulation shall be planned in such a manner that any trucks, tractors, cranes, or any other large construction related vehicles shall not protrude into any road right of way during ingress or egress from the site.
- 5) Uses shall produce no detectable objectionable dust, fumes, or odors at any property line.

**Motion passed with Renato Cerdena, Rory Ruddick, Tim Vogel, and Bill Yontz in favor.**

### **UNSCHEDULED BUSINESS**

Priebe updated the Commission on the status of the marihuana recommendation made to the City Commission saying that they passed both the Medical and Recreational Marihuana business uses and prohibited consumption establishments. They added the C-2 District as an eligible location for retail establishments. The procedures and application documents are currently being created.

**There being no further business, Acting Chairperson Vogel closed the meeting at 7:13 PM with all in favor.**

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary

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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Amendment to Marihuana Businesses Zoning  
DATE: November 20, 2019

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### **Introduction**

The City Commission adopted a series of ordinances on October 7, 2019 which authorize both medical and adult-use marihuana businesses in the City and establish the regulations and zoning provisions for marihuana businesses. As City staff work on the application process and field calls and questions from interested businesses, it has come up that the setback regulations within Zoning Ordinance need to be clarified with more detailed language.

### **Amendment to Ordinance No. 752-10-19**

Ordinance No. 752-10-19 (attached) establishes definitions for marihuana-related terms, sets which zoning ordinances will permit marihuana businesses, and sets both general and specific conditions upon those businesses.

Within the general regulations, which apply to all marihuana establishments, condition (d) sets the setback regulations.

(d) No such facility shall be situated within 500 feet of a K-12 school, public or private.

In conversation at the Planning Commission and City Commission when drafting this Ordinance, it was clear that this was to be measured from the edge of one property line to the edge of the other property line. However, this language was not included in the initial ordinance.

Businesses interested in siting a potential marihuana business within the community have questioned how the 500 feet was to be measured, as some communities measure it in other ways, such as from the front door of the business to the front door of the school. The proposed amended language, noted below, is intended to clarify how the City will be measuring the setback.

### **Draft Amendment**

(d) No such facility shall be situated within 500 feet of a K-12 school, public or private, **measured in a straight line from property line to property line.**

### **Way Forward**

Please review the draft amendment to the Ordinance through the lens of the standards found in Section 14.1:4 of the Zoning Ordinance (attached).

Staff supports recommending adoption of the draft amendment to the City Commission for adoption.

### **Standards for Zoning Amendment Review**

Section 14.2:4 of the Zoning Ordinance clearly lays out a series of standards for reviewing Zoning Amendments, stating as follows:

The Planning Commission and City Commission shall consider the request for an amendment to the Zoning Ordinance in accordance with the following standards:

- (1) The use requested shall be consistent with and promote the intent and purpose of this Ordinance.
- (2) The proposed use will ensure that the land use or activity authorized shall be compatible with adjacent land uses, the natural environment, and the capabilities of public services affected by the proposed land use.
- (3) The land use sought is consistent with the public health, safety, and welfare of the City of Big Rapids.
- (4) The proposed use is consistent with the City Master Plan or a determination that the plan is not applicable due to a mistake in the plan, changes in relevant conditions, or changes in relevant plan policies.

Planning Commissioners are encouraged to review the proposed Amendment against the standards in Section 14.2:4 to decide if they find it meets or fails to meet them. These standards shall be used to decide the recommendation provided by the Planning Commission.

### **Action**

Two options lay before the Planning Commission regarding Zoning Ordinance Text Amendment Applications: Recommendation to Adopt or Recommendation to Not Adopt. As the City Commission has the final determination on Ordinance Amendments, the application must be forwarded to them with a recommendation. Explanations and sample motions are included below.

#### **Recommendation to Adopt**

A recommendation of adoption motion is appropriate when the Application meets the Standards of the Zoning Ordinance.

“I move to recommend that Section 11.1:29 (1) (d) of the Zoning Ordinance be amended to read as follows:

‘No such facility shall be situated within 500 feet of a K-12 school, public or private, **measured in a straight line from property line to property line.**’

Because it meets the Standards set in Section 14.2:4 for Zoning Amendment Review.”

#### **Recommendation to Not Adopt**

A recommendation to not adopt motion is appropriate when the Application fails to meet the Standards of the Zoning Ordinance.

“I move to recommend that Section 11.1:29 (1) (d) of the Zoning Ordinance not be amended to read as follows:

‘No such facility shall be situated within 500 feet of a K-12 school, public or private, **measured in a straight line from property line to property line.**’

Because it fails to meet the Standards set in Section 14.2:4 for Zoning Amendment Review.” *(Include the Standards which the application does not meet.)*

## ORDINANCE NO. 752-10-19

Commissioner Eppley moved, supported by Commissioner Anderson, the adoption of the following Ordinance:

### **ORDINANCE AMENDING ARTICLES 2, 3 AND 11 OF THE BIG RAPIDS ZONING ORDINANCE TO DEFINE AND PERMIT CERTAIN STATE LICENSED MARIHUANA BUSINESS FACILITIES AND ESTABLISHMENTS IN THE C-1, C-2, C-3 AND INDUSTRIAL DISTRICTS**

WHEREAS, the Planning Commission developed amendments to the Big Rapids Zoning Ordinance to permit state licensed Marihuana Businesses in Commercial and Industrial Zoning Districts, and

WHEREAS, the Planning Commission conducted public hearings on the Zoning Ordinance text amendments, and

WHEREAS, the Planning Commission recommended adoption of a text amendment to the Big Rapids Zoning Ordinance that would add definitions of marihuana businesses and permit the state licensed marihuana businesses subject to the conditions of Article 3 District Regulations and Section 11.1:29 Use Standards.

NOW THEREFORE, the **City of Big Rapids** ordains:

**Section 1.** The definitions pertaining to Marihuana Businesses are added to Article 2.9 to read as follows:

- (1) **LARA** – The Michigan Department of Licensing and Regulatory Affairs.
- (2) **MRA** – The State of Michigan Marihuana Regulatory Agency.
- (3) **Licensee** – A person holding a state license.
- (4) **Marihuana** – All parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. It does not include industrial hemp.
- (5) **Marihuana Establishment** – A location at which a licensee is licensed to operate under one of the State of Michigan Marihuana laws.
- (6) **Grower** – A person with a commercial license to cultivate, dry, trim, cure, and package marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- (7) **Microbusiness** – A person with a commercial license to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise



transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

- (8) **Marihuana Plant** – Any plant of the species *Cannabis sativa* L. Marihuana plant does not include industrial hemp.
- (9) **Processor** – A person with a commercial license to obtain marihuana from marihuana establishments, process and package marihuana, and sell or otherwise transfer marihuana to marihuana establishments.
- (10) **Retailer** – A person with a commercial license to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older. Also called provisioning centers.
- (11) **Safety Compliance Facility** – A person with a commercial license to test marihuana, including certification for potency and the presence of contaminants.
- (12) **Secure Transporter** – A person with a commercial license to obtain marihuana from marihuana establishments in order to store and transport marihuana to marihuana establishments for a fee.
- (13) **Excess Marihuana Grower** – A person, who already holds five adult-use Class C Grower licenses, and is given additional license to expand their allowable marihuana plant count.
- (14) **Municipal License** – A license or permit issued by a municipality that allows a person to operate a marihuana establishment in that municipality.

**Section 2.** Article 3, Section 3.9:2 is amended to add the following text as permitted principal uses and structures in the C-1 District:

3.9:2 (3)(f) Marihuana establishments that are retailers, safety compliance facilities or microbusinesses, subject to the conditions of Section 11.1:29.

3.9:2(3)(g) and other similar establishments.

**Section 3.** Article 3, Section 3.10:2 is amended to add the following text as permitted uses and structures in the C-2 District:

3.10:2(1)(v) Marihuana establishments that are retailers, safety compliance facilities, or microbusinesses, subject to the conditions of Section 11.1:29.

3.10:2(1)(w) other similar establishments.

**Section 4.** Article 3, Section 3.11:2 is amended to add the following text as permitted uses and structures in the C-3 District:

3.11:2(2)(i) Marihuana establishments that are retailers, safety compliance facilities, or microbusinesses, subject to the conditions of Section 11.1:29.

3.11:2(2)(j) other similar establishments.

**Section 5.** Article 3, Section 3.12:7 is amended to add the following text as permitted principal uses and structures in the Industrial District:

3.12:7 (4) Marihuana establishments that are growers, excess growers, processors, safety compliance facilities, or secure transporters, subject to the conditions of Section 11.1:29.

**Section 6.** Article 11.1:29 is amended to read as follows:

Marihuana establishments may be permitted subject to the general and specific conditions below:

(1) Conditions which apply all marihuana establishments are listed below:

(a) All such establishments shall hold a valid License for the appropriate operation as issued by the State of Michigan.

(b) Co-located marihuana establishments and stacked grower licenses may be permitted subject to the regulations of this Ordinance and any applicable rules promulgated by LARA.

(c) The Licensee shall have, or shall have applied for, a Municipal License or permit as described in the City Code.

(d) No such facility shall be situated within 500 feet of a K-12 school, public or private.

(e) Those provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall be limited to one sign per establishment, either a wall sign or a freestanding sign as described below. The sign shall not be digital or internally illuminated.

i. One wall sign affixed to the building containing a marihuana facility is permitted on the front wall of the building and shall not exceed twenty (20) square feet.

ii. One freestanding sign located on a lot containing a marihuana facility is permitted. The sign shall not exceed twelve (12) square feet in area nor 4 feet in height.

(f) The use of marihuana is prohibited at all licensed marihuana establishments.

(g) No equipment or process shall be used in the facility which creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal human sense beyond the property line.

(h) The establishment shall be available for reasonable inspection, during business hours, by Code Enforcement Officials or Public Safety Officers to confirm the facility is operating in accordance with all applicable laws, including state law and city ordinances.

(i) A property owner shall have no vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment of this ordinance.

(j) A Zoning Permit or Special Land Use Permit may be issued conditionally, however no operation may commence or continue until the required Municipal License or permit has been issued by the City Clerk and all conditions enumerated in the City Code have been met.

(2) Marihuana retailers, safety compliance facilities and microbusinesses may be permitted in the C-1, C-2 and C-3 Commercial Districts subject to the conditions below:

(a) The facility may only operate between the hours of 9AM to 9PM.

(b) The facility shall provide off-street parking and loading consistent with Article 5 of this Ordinance and shall be considered under Section 5.2 as Retail Sales and Rental of Goods, Merchandise and Equipment.

(c) The exterior appearance must be compatible with surrounding businesses with respect to façade type, ground floor opacity, site layout, etc.

(d) The interior of the facility must be arranged in such a way that neither marihuana nor marihuana-infused products are visible from the exterior of the facility.

(e) All activities, including all transfers of marihuana, shall be conducted within the building and out of public view. Drive-through, drive-up, or curb-side service facilities are prohibited.

(3) Marihuana growers, excess growers, processors, safety compliance facilities, and secure transporters may be permitted as a special land use in the Industrial District subject to the conditions below:

(a) The facility shall provide off-street parking and loading consistent with Article 5 of this Ordinance and shall be considered under Section 5.2 as Manufacturing and Industrial Uses.

(b) Processes must be conducted in a manner to minimize adverse impacts on the City's wastewater treatment operations. The City's Public Works Department shall review all pertinent information related to wastewater discharges and shall provide any pertinent comments on to the Planning Commission.

(c) All operations shall occur within an enclosed building and no marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.

(d) Applicants must provide a plan for the storage and disposal of marihuana or chemicals associated with marihuana cultivation or processing to minimize the risk of theft or harm resulting from chemical exposure.

**Section 7.** The ordinance shall be effective 20 days after publication.

**Section 8.** The City Clerk is directed to publish this ordinance in the Pioneer.

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: October 7, 2019

Published:

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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Upcoming Zoning Amendments  
DATE: November 20, 2019

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### **Introduction**

Decision need to be made regarding several future zoning amendments. At this meeting we will begin a conversation regarding several topics that are coming up in the near future.

### **Rezoning of 906 N State St**

The former Hanchett Manufacturing site has been deemed by the community an appropriate site for a future mixed-use development with both commercial and residential uses. This site, however, is still zoned Industrial. The City's real estate agent has had some interest in the property for industrial use and a potential site for a marihuana grow facility. If it is in fact the City's desire to prohibit future industrial uses on this prime riverfront property and encourage mixed-use redevelopment, it is time to again consider rezoning this parcel.

### **Flexible Parking Standards**

This item comes to us as part of the RRC process. One of our remaining checklist items is to amend the Zoning Ordinance to include flexible parking standards. This could look several different ways, such as allowing for parking reductions when public or bicycle parking is available or when a shared parking agreement exists between complementary uses or establishing maximum parking standards or allowing for parking waivers in some situations. A discussion of the options and appropriate standards for this community will provide staff direction to bring draft language to future meetings.

### **Form Based Code Amendments to C-2 and R-R Districts**

This is also an RRC driven item. SmithGroup, the City's planning consultant firm, has been working on potential amendments for the C-2 and R-R Districts since the public open house event on September 9. The Downtown FBC Steering Committee met on Monday, November 11 to talk with SmithGroup and review their proposed changes. They will continue working with that additional feedback and hope to provide a final report to the City soon.

### **Action**

No action is required at this time. We will be having a conversation about these topics that will influence the direction of future zoning amendments.



***Planning Commission***  
***Regular Meeting***  
***Joint Meeting with City Commission***

Big Rapids City Hall  
226 N Michigan Avenue

June 19, 2019  
6:30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
  - a. 15 May 2019
5. Public Comment Not Related to Items on the Agenda
6. Public Hearing
7. General Business
  - a. Update on Redevelopment Ready Communities Progress
  - b. Zoning for Marihuana Businesses
8. Unscheduled Business
9. Adjourn

**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
May 15, 2019**

Chairperson Schmidt called the May 15, 2019, regular meeting of the Planning Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Paul Jackson, Chris Jane, Rory Ruddick, John Schmidt, Tim Vogel, Bill Yontz

**EXCUSED** Renato Cerdona

**ABSENT**

**ALSO PRESENT** Paula Priebe, Neighborhood Services Director  
Cindy Plautz, Neighborhood Services Coordinator  
Eric Williams, City Attorney

There were 9 people in the audience.

**APPROVAL OF MINUTES**

**Motion was made by Paul Jackson, seconded by Tim Vogel, to approve the minutes of the April 17, 2019, meeting of the Planning Commission as presented.**

**Motion passed with all in favor.**

**PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA**

None heard.

**PUBLIC HEARINGS**

**Review of the Conditional Use Permit Application for a Change of Use at 730 Water Tower Road.**

Priebe introduced the request for Conditional Use Permit at 730 Water Tower per her Staff Report. The request was made by Lionel Thomas of Gardner Investment Properties for a Conditional Use Permit to allow a change of use from Office to Clinic. The property is designated R-2 and a Conditional Use was granted for the original use of the property to allow an office building. The change of use will not alter the site but would allow it to be used as a

medical clinic. Staff recommends approval as it meets the Standards set forth in Section 10.3:8 and Section 11.1:11 of the Zoning Ordinance.

**Applicant Statement**

Doug Mansfield of Mansfield Land Use Consultants, 830 Cottage View Drive, Suite 201, Traverse City, MI 49685, added that this will be a good use of the building and it is in compliance with all of the Standards (See Applicants application addressing Standards). He does not foresee any negative impacts.

**Chairperson Schmidt opened the Public Hearing at 6:35 p.m.**

**Those Who Spoke in Favor:** None heard.

**Those Who Spoke in Opposition:** None heard.

**Written or Telephonic Correspondence Received by Staff:** A phone call was received from Pat Czyzio who was concerned about what type of care will be provided at the clinic. She was told it is to be a primary care medical clinic and Czyzio said she was not opposed to that type of use.

A letter was received from Lynn Wolgast, owner of Wolgast Development, LLC, 4835 Towne Centre Road, Suite 100, Saginaw, MI 48604, and owner of 800 Water Tower Road, which stated that they are against the change of use as they thought it would increase the amount of traffic on Water Tower Road.

**Applicant Rebuttal:** Mansfield stated that the building is on a primary road and the previous use was for the Social Security Administration that would have had similar traffic amounts. He does not foresee an increase or a decrease in traffic at the site. He added that there will not be any truck traffic to the site.

**Chairperson Schmidt closed the Public Hearing at 6:37 p.m. and the Commission entered into Fact Finding.**

The following information was obtained during fact finding:

Kathy Sather of Family Health Care, 1615 Michigan Ave, Baldwin, MI 49304, stated that they will provide a primary medical service. It will consist of 1 doctor offering ½ hour appointments, 1 dentist and 1 therapist who will both offer 1-hour appointments.

This will be their first Family Health Care Clinic in this area. They will not perform any surgeries on site.

## **MOTION**

**Motion was made by Chris Jane, seconded by Bill Yontz, to recommend the Conditional Use Permit Application for a medical clinic at 730 Water Tower Road for approval by the City Commission because it meets the Standards set forth in Section 10.3:8 and Section 11.1:11 of the Zoning Ordinance.**

**Motion passed with Paul Jackson, Chris Jane, Rory Ruddick, John Schmidt, Tim Vogel and Bill Yontz in favor.**

## **Review of the Request to Vacate Two Alleys on Ferris State University Property near the corner of Maple and Howard Streets.**

Priebe introduced the request per her Staff Report. Ferris is requesting the City vacate a couple of alleys on their property. The request was made to the City Commission and they referred it to the Planning Commission for a Public Hearing and review. The alleys are not improved. Staff consulted with Public Works and no easements were found in the areas proposed to be vacated. Two water service lines run across the northern alley, each 6 feet below the surface but they are not considered to be a reason to disallow the vacation of the alleys. Public Safety reviewed the request and said that vacating the alleys would not impact access of Public Safety vehicles to buildings on the site.

## **Applicant Statement**

Mike Hughes, FSU Associate Vice-President, Physical Plant, did not have anything to add but will answer any questions the Commission may have.

**Chairperson Schmidt opened the Public Hearing at 6:43 p.m.**

**Those who spoke Favor of the Request:** None heard.

**Those Who Spoke in Opposition of the Request:** None heard.

**Telephonic or Written Correspondence Received by Staff:** None

**Chairman Schmidt closed the Public Hearing at 6:44 p.m. and the Commission entered into Fact Finding.**

Ruddick asked about the possibility of utility companies needing the alley and Williams suggested that if the alley vacation is to be approved, it should be contingent on an easement for the existing watermain. The alleys are not currently constructed.

The Commission discussed the location of the alleys and the possible consequences of vacation. Vogel asked about the water main and Hughes said they are planning on building on the property and if the watermain needed to be relocated they would take care of it. The existing building on the lot is used for dry storage.

Half of the alley off of Linden Street is in use, but the half that is on FSU property is currently not used.

### **MOTION**

**Motion was made by Tim Vogel, seconded by Chris Jane to recommend the City Commission approve the alley vacation request made by Ferris State University for two alleys located on their property as depicted on the attached map (a northern alley perpendicular to Maple Street and the western portion of the southern alley that lies across from Linden Street). Vacation is contingent on any easements needed for existing water main maintenance.**

**Motion passed unanimously with Paul Jackson, Chris Jane, Rory Ruddick, John Schmidt, Tim Vogel and Bill Yontz in favor.**

### **Review of a Text Amendment to the Zoning Ordinance to Permit Additional Business Types in the Commercial and Industrial Districts.**

Priebe introduced the request by stating that this is an effort to satisfy Redevelopment Ready Community status. The Planning Commission has spent the last few months discussing “New Economy-Type Businesses” as principal uses in several districts. She added that she spoke with local business owners at the DBA’s Executive Board and General meetings, and at the DDA Board meeting. They were in favor of the changes.

The Planning Commission asked Priebe to come up with definitions for the New Economy Business uses to be included in the Zoning Ordinance. Attached is a draft Ordinance to be considered. Staff recommends approval.

### **Applicant Statement**

As above.

**Chairperson Schmidt opened the Public Hearing at 6:47 p.m.**

**Those Who Spoke in Favor of the Request:** None Heard

**Those Who Spoke in Opposition of the Request:** None Heard



**Telephonic or Written Correspondence Received by Staff:** None

**Chairperson Schmidt Closed the Public Hearing at 6:48 p.m. and the Commission entered into Fact Finding**

The Commission was in favor of the draft Ordinance.

### **MOTION**

**Motion was made by Tim Vogel, seconded by Rory Ruddick, to recommend the adoption of the attached Draft Ordinance Amending Articles 2 and 3 of the Big Rapids Zoning Ordinance to Define and Permit New Economy Type Businesses**

**Motion passed with Paul Jackson, Chris Jane, Rory Ruddick, John Schmidt, Tim Vogel and Bill Yontz in favor.**

### **GENERAL BUSINESS**

#### **Zoning for Marihuana Businesses**

Per Priebe's staff report, the Planning Commission is charged with identifying where in the City the different types of marihuana businesses will be allowed if the City opts into allowing them. She presented a 2018 MML report entitled "Medical Marihuana Facilities – Opt In/Opt Out" that includes helpful information for the Commission to review. City Attorney Eric Williams was present to review some of the legal issues related to the various Michigan marihuana laws and to answer questions from the Commissioners.

Initially, the City opted out of allowing medical marihuana and has not yet given a response for allowing recreational marihuana. Since the initial passing of the Federal government allowing medical marihuana, reverse reactions have waned. Many took a wait and see attitude before jumping in. Michigan cities are reconsidering their decisions for allowing both medical and recreational marihuana. The City must now make a decision as to opt in or opt out. The Commission has asked the Planning Commission to come up with zoning regulations so that if they decide to opt in, zoning decisions are already in place. It will also help them to make a decision.

Williams recommends opting in to be congruent with the rest of the State. Other communities who have opted in are not having problems. However, there is a problem with real estate being available to house the businesses and there is a scramble to find sites. Grand Rapids and Ann Arbor are in the approval phase. Adrian has opted in and has come up with some zoning regulations. The City of Adrian would make 10 permits available. Locations must be 1,000 ft. from schools and 250 ft. from churches, parks, playgrounds day care centers and single-family

homes. Businesses would be allowed one sign. One problem is that they cannot stop someone who was granted a license from selling it to someone else.

The Commission would like to see a map of the areas of the City that would be available for marihuana business establishments given the space designated to be set back from schools, churches, etc. They were concerned about other businesses not being able to operate in a certain area once the marihuana businesses are established.

Williams recalled the process the City went through trying to find areas within the City in which “adult businesses” would be allowed. We found that we had to lower our regulations or there would have been nowhere for them to operate. Schmidt suggested limiting the marihuana businesses to a certain zone as that would simplify the process. Williams said it could be done.

Jane told of his recent visit to Boston where he witnessed very long lines of hundreds of people waiting to get into recreational marihuana dispensaries. In Boston people could order marihuana on line and then pick up their purchase at the dispensary. Williams noted that medical marihuana would be more controlled.

Vogel asked how Adrian selected their 10 locations. They were based on populations and the amount of traffic. They were all over the map. Williams agreed that it makes sense not to cluster them in one area. Priebe added that other regulations would need to be made concerning odor, lights and noise. Jane asked if growing in the city would be allowed – some cities do allow it.

Vogel asked if Federal funding is available. Williams said he doesn’t see it happening, but they may loosen up the regulations on banks to make loans. This issue still needs a lot of organizing.

Ruddick asked if marihuana businesses should be included in the new economy type businesses within the Zoning Ordinance. Schmidt asked if we should look at both medical and recreational at the same time and Williams said that a decision needs to be made by the end of the year for the recreational marihuana. Priebe added that medical use and recreational use are very similar as far as regulations. Both uses could be under the same zoning regulations.

Priebe will create an overlay district showing where these uses could be located. Ruddick suggested pushing back the established boundaries of the “Adult Businesses” so that there are some areas in which to locate the marihuana businesses. Williams added that hours of operation could be limited, and signs regulated. He added that the DBA was not worried about this issue. Jane stated that he saw long lines of people waiting outside dispensaries in Massachusetts. Priebe added that she did not see lines of people waiting outside dispensaries during her travels through Colorado.

Williams stated that there is no indication if the County opted in, the City would fit within regulations as adopted by them. The businesses need to be located where Public Safety is available and the City of Big Rapids is the most logical in Mecosta County.

### **Planned Unit Development**

Priebe said that in the next month or two, she would like to revamp the Planned Unit Development section of the Zoning Ordinance as it needs to be brought up to current standards. She will find examples of other ordinances to review.

### **City and Planning Commission Joint Meeting**

Priebe stated that the City's Strategic Plan requires the City and Planning Commissions to hold two joint meetings per year. We will hold the meeting in June. Some of the topics could be: Marihuana, ways of making the river more of an asset to the City and updating the Master Plan.

**There being no further business, motion was made by Chris Jane, seconded by Bill Yontz to adjourn.**

**The meeting was adjourned at 7:40 p.m. with all in favor.**

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary

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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Update on Redevelopment Ready Communities Progress  
DATE: 13 June 2019

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### **Introduction**

In 2017 the City of Big Rapids began the process of becoming “Redevelopment Ready Certified” through the Michigan Economic Development Corporation (MEDC) Redevelopment Ready Communities program. This is a “voluntary, no-cost certification program designed to promote effective redevelopment strategies through a set of best practices. The program measures and then certifies communities that integrate transparency, predictability and efficiency into their daily development practices. The RRC certification is a formal recognition that your community has a vision for the future – and the fundamental practices in place to get there.”

The MEDC’s website has this to say about why communities should become redevelopment ready:

To be vibrant and competitive, Michigan communities must be ready for development. This involves planning for new investment and reinvestment, identifying assets and opportunities, and focusing limited resources. Certified Redevelopment Ready Communities® attract and retain businesses, offer superior customer service and have a streamlined development approval process making pertinent information available around-the clock for anyone to view.

### **Report of Findings**

After joining the program and sending staff to MEDC Training to learn about the six RRC Best Practices, the first big step in the process is a Self-Evaluation, where City staff looked at current City practices and analyzed how Big Rapids measured up to the Best Practices. RRC staff used that Self Evaluation and their own research to prepare a Report of Findings. Big Rapids received ours in October 2017. This report, *attached*, explains more about the program and provides in depth analysis on the Best Practices the City meets, in working on, and still needs to compete to achieve RRC Certification.

The *attached Evaluation of Best Practices Status – June 2019 chart* compares the City’s Initial status from the Report of Findings with the Updated status as of this June. The table below synthesizes that information into a snapshot of progress made since the Report of Findings. Green means complete, Yellow is in progress, and Red is still to complete.

|                  | October 2017 | June 2019 |
|------------------|--------------|-----------|
| Green            | 20           | 28        |
| Yellow           | 12           | 6         |
| Red              | 9            | 7         |
| Percent Complete | 48%          | 68%       |

## **Way Forward**

While progress has been made, there is still a substantial amount of work to be done to achieve RRC Certification. The remaining tasks fall within three categories and are listed below:

1. Zoning Regulations
  - a. Consider adopting a Form-based Code to help achieve community goals in selected areas of the City.
  - b. Consider establishing build-to lines in key areas.
  - c. Incorporate standards to improve non-motorized transportation, such as bicycle parking, traffic calming, pedestrian lighting, and public realm standards.
  - d. Allow for parking reductions when public or bicycle parking is available or when a shared parking agreement exists between complementary uses.
  - e. Establish maximum parking standards, allow for parking waivers, or accept payment in lieu of parking.
2. Redevelopment Ready Sites
  - a. Identify at least three redevelopment sites.
  - b. Gather basic information on at least three redevelopment sites.
  - c. Develop a complete property information package (PIP) for at least one redevelopment site.
  - d. Establish a community vision for each of the redevelopment sites.
  - e. Identify potential resources and/or incentives for the identified redevelopment sites.
  - f. Market the redevelopment sites online.
3. Economic Development and Marketing Strategies
  - a. Develop an overarching economic development strategy to be approved by the City Commission.
  - b. Schedule an annual review of the adopted economic development strategy.
  - c. Adopt a formal marketing strategy for the City.
  - d. Add missing items to the City website.

Progress has been made on some of these items.

- The City has contracted with SmithGroup to assist with the Form-based code update for the Downtown and commercial corridors (except Perry St). This project should be starting this summer and will include a Kickoff visioning meeting with the public and downtown stakeholders as well as a series of Zoning Ordinance amendments with Form-based revisions to the C-2, R-R, and R-P districts. *See the attached Big Rapids RRC TA Request – June 2019 for more details.* The budget for this phase is \$18,000 and is cost-shared between the MEDC and the City at a 75/25 split, with the City paying \$4,500 and the RRC program matching with \$13,500.
- The Hanchett Property is one of the redevelopment sites. The Charrette work from earlier this year has greatly assisted in gathering the information necessary to develop the PIP, which is a work-in-progress. The two other selected sites have since been taken off the market, so new sites must be selected. The MEDC has a Redevelopment Services Team to assist with Site selection and packaging once all other steps have been completed.
- We are hoping to work with MCDC and the CVB on the Economic Development Strategy and Marketing Strategy respectively.



redevelopment ready  
communities®

# Report of Findings

City of Big Rapids

October 2017

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MICHIGAN ECONOMIC  
DEVELOPMENT CORPORATION

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Redevelopment Ready Communities® (RRC) is a certification program supporting community revitalization and the attraction and retention of businesses, entrepreneurs and talent throughout Michigan. RRC promotes communities to be development ready and competitive in today's economy by actively engaging stakeholders and proactively planning for the future—making them more attractive for projects that create places where people want to live, work and invest.

To become formally engaged in the RRC program, communities must complete a self-evaluation of its development-related practices, attend the RRC Best Practice Training Series and have its governing body pass a resolution of intent outlining the value the community sees in participating in the program. The Big Rapids City Commission passed a resolution of intent to participate in the program in September 2015, answered development-related questions on the self-evaluation in March 2017 and staff members completed the RRC best practice training sessions in June 2017.


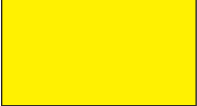

Each of the six RRC best practices outlined in this report were developed in conjunction with experts in the public and private sector and they serve as the standard to achieve certification as a Redevelopment Ready Community®. RRC certification signals to investors, businesses and residents working within a community that they can expect a consistent, efficient, fair development review process—which will make the city more attractive to investors, entrepreneurs and talent. Big Rapids' strengths currently lie in its long range plans, predictable development review process and strong partnerships with multiple local and regional partners. Existing challenges for Big Rapids include tailoring the zoning ordinance to the goals outlined in its master plan, identifying agreed-upon visions for redevelopment sites and developing overarching economic development and marketing strategies. With this report, strong leadership and an involved citizenry, Big Rapids is well on its way to achieving RRC certification.

The basic assessment tool for evaluation is the RRC best practices. The six best practices address key elements of community and economic development. A community must demonstrate all of the RRC best practice components have been met to become RRC certified. Once received, certification is valid for three years.

A community's plans, processes and policies are measured against the RRC best practices through an RRC team evaluation that consists of research, observations and interviews, as well as the consulting advice and technical expertise of the RRC advisory council. The team analyzes a community's development materials, including, but not limited to: the master plan;

redevelopment strategy; capital improvements plan; budget; public participation plan; zoning regulations; development procedures; economic development strategy; marketing strategies; and website. Researchers observe the meetings of the community's governing body, planning commission, zoning board of appeals and other committees as applicable. In confidential interviews, the team also records the input of local business owners and developers who have worked with the community.

A community's degree of attainment for each best practice criteria is visually represented in this report by the following:

|  |  |
|--|--|
|   | Green indicates the best practice component is currently being met by the community.                     |
|   | Yellow indicates some of the best practice component may be in place, but additional action is required. |
|  | Red indicates the best practice component is not present or outdated.                                    |

This report represents the findings of the evaluation of the city of Big Rapids redevelopment processes and practices. All questions should be directed to the RRC team at [RRC@michigan.org](mailto:RRC@michigan.org).

Big Rapids is currently meeting 44 percent of the Redevelopment Ready Communities® best practices and is in the process of completing an additional 34 percent.

|       |       |             |       |       |       |       |
|-------|-------|-------------|-------|-------|-------|-------|
| 1.1.1 | 1.1.2 | 1.1.3 (N/A) | 1.1.4 | 1.2.1 | 1.2.2 | 1.2.3 |
| 2.1.1 | 2.1.2 | 2.1.3       | 2.1.4 | 2.1.5 | 2.1.6 | 2.1.7 |
| 2.1.8 | 3.1.1 | 3.1.2       | 3.1.3 | 3.1.4 | 3.1.5 | 3.1.6 |
| 3.1.7 | 3.1.8 | 3.1.9       | 3.2.1 | 3.2.2 | 4.1.1 | 4.1.2 |
| 4.2.1 | 4.2.2 | 4.2.3       | 4.2.4 | 5.1.1 | 5.1.2 | 5.1.3 |
| 5.1.4 | 5.1.5 | 5.1.6       | 6.1.1 | 6.1.2 | 6.2.1 | 6.2.2 |

## Best Practice 1.1—The plans

Best Practice 1.1 evaluates community planning and how the redevelopment vision is integrated into a community's master plan, downtown plan and capital improvements plan (CIP). A master plan sets expectations for those involved in new development and redevelopment, it gives the public a degree of certainty about their vision for the future and it is crucial for a community to establish and achieve its goals. The Michigan Planning Enabling Act (MPEA), Public Act 33 of 2008, requires that the planning commission create and approve a master plan as a guide for development and subsequently review the master plan at least once every five years after adoption.

Big Rapids' is currently in the midst of updating their 2009 master plan. The updated version of the plan will include up-to-date demographic data and it will reflect redevelopment that has occurred in the city over the last eight years. As of the latest draft of the plan, the city plans to reaffirm its commitment to the seven goals outlined in the 2009 master plan, which are: increasing population, diversifying the city's housing stock, enhancing transportation networks, attracting investment downtown, increasing levels of cooperation among local and regional partners, maintaining public facilities and stimulating economic growth.

When originally developing the plan, the Neighborhood Services Department and Master Plan Working Committee involved a variety of local and regional partners. For instance, the city collaborated with the West Michigan Regional Planning Commission and Mecosta County to develop the planning process; and worked closely with Ferris State University throughout the public outreach phase of the plan's development. It is clear that the plan's goals and action items reflect the community's unified vision. Detailed summaries of stakeholder feedback acquired via workshops, focus groups, interviews, surveys and public hearings are included and cited as rationale for decisions made throughout the master plan. Providing detailed rationale for each of the plan's goals adds to the value of the plan as

it can be looked to as a trusted resource for many future decisions. The plan's short, medium, and long-term action items all feature spaces for yearly review comments. By making the plan a living document, the city is ensuring the diligent monitoring of progress made toward the plan's goals and it is allowing adaptations to be made—which is critical in today's rapidly evolving world.

The Big Rapids downtown blueprint plan was revised in May of 2016. This plan provides comprehensive guidance for the city's downtown area. It analyzes land uses, business types, economic indicators and marketing strategies and then outlines top priorities going forward. The plan lists business development, marketing, partnerships, management and physical improvements as top priorities for the city. This plan serves as a blueprint for future projects which are then specifically listed with associated costs and time frames in the city's capital improvements plan (CIP). The up-to-date thorough assessment and specific guidance provided by the downtown blueprint plan combined with the Big Rapids Downtown Development Authority's development plan and tax increment financing plan have the city well-positioned for all future downtown revitalization efforts. In order to allocate the appropriate resources needed to implement the city's various plans, the city will rely on its six year 2017–2023 CIP. This document is coordinated with the city's master plan, downtown plans and other pertinent city policies; and it determines which projects will be implemented and when, based on a set of objective criteria. The plan is transparent and easy to understand by the public as it has its five review criteria clearly listed in the CIP document. The plan is up-to-date and plans for six years—thus meeting the RRC best practice criteria and providing a vital link between the community's vision for the future and its financial means to provide the infrastructure, facilities and services needed to support this vision. Big Rapids reviews and updates its CIP annually in March. This is a best practice that should continue.

## Best Practice 1.1—The plans *continued*

| Status | Evaluation criteria  | Recommended actions for certification  | Estimated timeline |
|--------|--|--|--------------------|
| 1.1.1  | The governing body has adopted a master plan in the past five years. | <input type="checkbox"/> Adopt a master plan that meets all RRC best practice criteria | Q1 2018            |
| 1.1.2  | The governing body has adopted a downtown plan.                      | ✓  |                    |
| 1.1.3  | The governing body has adopted a corridor plan.                      | N/A  |                    |
| 1.1.4  | The governing body has adopted a capital improvements plan.          | ✓  |                    |



## Best Practice 1.2—Public participation

Best Practice 1.2 assesses how well the community identifies and engages its stakeholders on a continual basis. Public participation aims to prevent or minimize disputes by creating a process for resolving issues before they become an obstacle. In addition to meeting all of the public participation requirements required by law (i.e. advertising public hearings), Big Rapids proactively engages its residents, business owners and other stakeholders in a variety of ways. The city's informative website and interactive Facebook page—which integrates SeeClickFix to allow for seamless maintenance and code enforcement-related communication between residents and the city government—allows for the continuous engagement of the city's residents. When city plans and policies are updated, the city requests feedback via multiple channels—promoting responses from a wide range of diverse stakeholders. These communication channels include focus groups, one-on-one interviews, surveys and visioning workshops, depending on the type

of information needed.

Although, Big Rapids goes beyond expectations in many areas of community outreach, there are ways the city can build upon its current efforts. To become RRC certified, the city should develop an overarching public participation strategy that identifies local and regional stakeholders and establishes outreach strategies to be used in specific situations. The public participation strategy should specifically target the population segments not usually represented at the table. This formalized, overarching public participation strategy will ensure communication is efficient and it will ensure interested parties are able to stay informed and engaged as projects progress through the various city processes. When complete, it would be beneficial for the city to post this public participation strategy online. The RRC website has a public participation strategy guide that could assist the city in developing its strategy.

| Status | Evaluation criteria   | Recommended actions for certification   | Estimated timeline |
|--------|---|---|--------------------|
| 1.2.1  | The community has a public participation plan for engaging a diverse set of community stakeholders. | <input type="checkbox"/> Develop a public participation plan that defines outreach strategies and how the success of these strategies will be evaluated | Q3 2018            |
| 1.2.2  | The community demonstrates that public participation efforts go beyond the basic methods.           | ✓   |                    |
| 1.2.3  | The community shares outcomes of public participation processes.                                    | <input type="checkbox"/> Establish a consistent method of sharing the results of public outreach efforts  | Q3 2018            |

## Best Practice 2.1—Zoning regulations

Best Practice 2.1 evaluates a community's zoning ordinance and assesses how well it implements the goals of the master plan. Zoning is a significant mechanism for achieving desired land use patterns and quality development. Foundationally, the Michigan Zoning Enabling Act (MZEA), Public Act 110 of 2006, requires that a zoning ordinance be based on a plan to help guide zoning decisions. Big Rapids' zoning ordinance was last updated in February 2017, although this was not a comprehensive revision and staff has indicated that the city would benefit from a complete code update. The city has expressed interest and taken steps to learn about the benefits of integrating form-based elements into the code, but the role form-based regulations will have in shaping Big Rapids' future developments is presently unclear.

The city's zoning ordinance generally conforms to the goals of the master plan, although there are ways in which it could more actively advance the city toward its vision for the future. In addition to single-family homes, the city permits attached single-family and multi-family dwelling units. Further, the city provides for a planned unit residential development (PURD)—allowing developers flexibility from the strict adherence to the city's zoning regulations. The practice of allowing a range of housing types, combined with the permitting of cluster developments, help the city meet the RRC best practice criteria for housing. If the city is looking for ways to further advance housing diversity, the permitting of accessory dwelling units in appropriate locations and/or expanding the zoning districts in which dwelling units are permitted above non-residential uses could be considered.

The city's zoning ordinance currently does not meet RRC best practice criteria for providing areas of concentrated development in key areas. Although the C-2 zoning district allows for buildings to be constructed up to the public realm (front lot line), it does not require it. To encourage compact development, the ordinance could establish build-to lines in the C-2 zoning district—and perhaps also for the C-1- and C-3-zoned commercial corridors along State Street and Maple Street. Build-to lines in these areas would require buildings to be constructed up to the front lot line. This would support place making efforts as pedestrian-friendly building

façade lines would be developed downtown and along key city corridors.

The city's zoning ordinance allows for the mixing of uses in the R-P and R-R zoning districts. While the R-P zone district allows single-family homes to mix with a determined set of compatible uses, the R-R allows a degree of density as it allows multi-family buildings to be located alongside office buildings, banks, barbershops, daycares and other low-impact land uses. Although the R-R zoning district permits a mix of uses, it does little to encourage the compact development needed to help the city leverage existing services and reduce expensive infrastructure maintenance costs—which was frequently cited as a desire of residents in the master plan.

To ensure desirable, compact, mixed-use development occurs, Big Rapids should consider integrating some form-based elements into its code. Form-based elements focus on the physical character (i.e., architecture and functionality) of development, particularly how it relates to the public realm that everyone shares. A growing number of communities across the country and the state of Michigan have found that form-based code elements provide a more precise and reliable tool for achieving what they want, preserving what they value and preventing what they don't want. Form-based codes can be customized to Big Rapids' vision for the future—it can be used to preserve and enhance the existing character of one neighborhood while dramatically improving the character of another. Most importantly, form-based codes can help Big Rapids' achieve many of the goals asserted in the master plan. Form-based code elements encourage a mix of land uses, which can reduce the need to travel extensively; thus providing residents with an affordable means of travel while also reducing traffic and infrastructure maintenance costs. The code should stem from a design process which will generate consensus and a clear vision for a community. Further, through proactively addressing aesthetics and performance, form-based codes can gain resident support and generate a higher comfort level with compact development, allowing developers to build more units per acre—which can ultimately result in lower housing costs for residents. Additionally, form-based codes can regulate development

## Best Practice 2.1—Zoning regulations *continued*

at the scale of an individual building or lot, which can encourage consistent independent developments across large areas without requiring large land assemblies and megaprojects which can be costly and time consuming endeavors. The extent to which form-based regulations are integrated into the ordinance can vary. The city could adopt form-based code guidelines that would help developers understand what the community feels is appropriate and provide guidance and support for city staff and officials. Or it could require certain physical properties and/or architectural features, including: building massing elements (e.g., wings, bays), open store fronts, minimum ground floor transparency, façade elements such as the location of windows or doors, building materials and streetscape elements—which could help Big Rapids’ develop according to the vision outlined in the master plan.

The current zoning code does not provide for the new economy-type businesses that can help add vibrancy to neighborhoods and downtown areas. To allow and attract these businesses, the city can add provisions that explicitly allow for new economy-type uses, including: film/recording studios, live-work spaces, indoor recreation areas, breweries, distilleries and/or arts and crafts studios. The city should discuss which zoning districts may be suited for a variety of new economy uses and integrate them where appropriate.

Presently, the zoning ordinance does not align with the RRC best practices in regard to non-motorized transportation. The city could consider adopting bicycle amenities (e.g., bike lanes, bike racks, bike service stations), traffic calming, and pedestrian-scale lighting and signage among other public realm standards.

The zoning ordinance also does not meet the expectations of the RRC best practices in regard to flexible parking standards. The city’s Joint Community Parking Program does allow (and require if within 300

feet) downtown properties to use designated municipal parking areas. This is consistent with the community’s vision for the downtown area and it also provides business owners with options regarding how they meet parking requirements. However, the C-2 zoning district is the only district that features parking flexibility. Development proposals in all other zoning districts need to comply with the city’s table of parking space requirements. To provide parking flexibility, the code could allow for reductions, or the complete elimination of parking requirements, when there is public or on-street parking available, bicycle parking is provided or when shared parking agreements are executed between complementary uses. Further, the city could establish maximum parking standards instead of minimum parking standards, allow for the planning commission or city commission to grant parking waivers and/or accept payments in lieu of parking in certain situations.

The city’s ordinance does meet the RRC best practice criteria for green infrastructure. The city’s inclusion of minimum landscape buffer zones, greenbelt requirements, tree preservation efforts, parking lot landscaping standards and using the PURD to protect natural features are all green infrastructure best practices that the city is implementing. These practices should be continued. To build-upon these practices, the city may want to develop a green infrastructure map of natural resources the city would like to see protected. Eventually, this could be tied into a larger regional green infrastructure plan.

Big Rapids’ zoning ordinance also meets the RRC best practice criteria for user-friendliness. The code’s illustrations of obscure zoning concepts and availability online as a searchable pdf are all user-friendly qualities of the code. In the future, the city could consider embedding links within the document that will take users to different locations within the nearly 200-page document.

## Best Practice 2.1—Zoning regulations *continued*

| Status | Evaluation criteria   | Recommended actions for certification  | Estimated timeline |
|--------|---|--|--------------------|
| 2.1.1  | The governing body has adopted a zoning ordinance that aligns with the goals of the master plan.  | ✓  |                    |
| 2.1.2  | The zoning ordinance provides for areas of concentrated development in appropriate locations and encourages the type and form of development desired. | <input type="checkbox"/> Consider adopting a form-based code to help achieve community goals<br><input type="checkbox"/> Consider establishing build-to lines in key areas   | Q3 2018            |
| 2.1.3  | The zoning ordinance includes flexible tools to encourage development and redevelopment.  | <input type="checkbox"/> Consider adding zoning provisions to allow new economy-type uses, including: film/recording studios, live-work spaces, indoor recreation areas, breweries, distilleries and/or arts and crafts studios  | Q3 2018            |
| 2.1.4  | The zoning ordinance allows for a variety of housing options.   | ✓  |                    |
| 2.1.5  | The zoning ordinance includes standards to improve non-motorized transportation.  | <input type="checkbox"/> Incorporate standards to improve non-motorized transportation, such as bicycle parking, traffic calming, pedestrian lighting and public realm standards.  | Q3 2018            |
| 2.1.6  | The zoning ordinance includes flexible parking standards.   | <input type="checkbox"/> Allow for parking reductions when public or bicycle parking is available or when a shared parking agreement exists between complementary uses<br><input type="checkbox"/> Establish maximum parking standards, allow for parking waivers or accept payment in lieu of parking | Q3 2018            |
| 2.1.7  | The zoning ordinance includes standards for green infrastructure.   | ✓  |                    |
| 2.1.8  | The zoning ordinance is user-friendly.  | ✓  |                    |

## Best Practice 3.1—Development review policy and procedures

Best Practice 3.1 evaluates the city's development review policies and procedures, project tracking and internal/external communications. An efficient, deliberate and fair site plan review process is integral to being redevelopment ready. When communities can provide certainty and minimize risk in project planning, developers will be more likely to bring jobs and investment to a community. Therefore, communities should look to simplify and clarify policies wherever possible.

Big Rapids zoning ordinance does a thorough job of explaining the development review and variance processes. It clearly states that one- and two-family homes, building expansions smaller than 1,000 square feet in size, changes in use and non-residential accessory structures do not require site plan review. All other projects need to submit all of the required site plan application materials—which are clearly listed—and receive approval from the Big Rapids Planning Commission at a public hearing. Conditional use permits receive a recommendation of approval or denial from the planning commission before an ultimate decision is made by the city commission. The city's zoning board of appeals has the authority to hear appeals of administrative decisions and interpret the zoning map and text to inform decisions on both use and non-use variances.

Although the process and submission requirements are easy to find and understand in the zoning ordinance, potential applicants will not always take the time to research the process on their own. Therefore, Big Rapids relies on its qualified intake staff to answer questions, receive and process applications, offer sketch plan meetings and provide excellent customer service. Site plan application review is performed by the Neighborhood Services Department, the city manager, the public works department and the fire and

police departments. This is consistent with the review process articulated in the zoning ordinance. While providing sketch plan and multi-departmental reviews are great practices, city staff could strengthen their development review process by encouraging applicants to contact and request feedback from key community stakeholders when there is the potential for a proposal to become contentious. These stakeholders could include residents, homeowners associations, business owners or community groups.

Just as feedback is important for applicants, it is important for the city to receive feedback on its development review practices and review this information annually so that it can continually make improvements and adapt to changing conditions. Currently the city does not have a formal method for requesting feedback on its site plan review process. To become RRC certified the city should develop a way to receive feedback. This could be via survey, comment cards, having a question or two at the end of the site plan application, or another method that would work for the city. This information is vital if the city is going to continue improving its review practices and it will help inform the annual review of the site plan review process—which is required by RRC best practice 3.1.9.

Big Rapids currently uses a combination of digital and hard-copy files to track projects through the site plan review process. Big Rapids' contracts with Mecosta County to perform their building inspections. Therefore, the two regulating jurisdictions are in constant communication so they can track the status of projects as they go through both the review and inspections processes. The city has indicated that both internal and external communication are strengths of the city.

## Best Practice 3.1—Development review policy and procedures *continued*

| Status | Evaluation criteria   | Recommended actions for certification  | Estimated timeline |
|--------|---|--|--------------------|
| 3.1.1  | The zoning ordinance articulates a thorough site plan review process.   | ✓  |                    |
| 3.1.2  | The community has a qualified intake professional.  | ✓  |                    |
| 3.1.3  | The community defines and offers conceptual site plan review meetings for applicants.   | ✓  |                    |
| 3.1.4  | The community encourages a developer to seek input from neighboring residents and businesses at the onset of the application process. | <input type="checkbox"/> Establish a strategy for assisting applicants in reaching community organizations, businesses and residents   | Q1 2018            |
| 3.1.5  | The appropriate departments engage in joint site plan reviews.  | ✓  |                    |
| 3.1.6  | The community has a clearly documented internal staff review policy.  | ✓  |                    |
| 3.1.7  | The community promptly acts on development requests.  | ✓  |                    |
| 3.1.8  | The community has a method to track development projects.   | ✓  |                    |
| 3.1.9  | The community annually reviews the successes and challenges with the site plan review and approval procedures.                        | <input type="checkbox"/> Establish a customer feedback mechanism to gather input on the development review process<br><input type="checkbox"/> Annually review the site plan review and approval procedure including customer feedback | Q4 2017            |



## Best Practice 3.2—Guide to Development

Best Practice 3.2 evaluates the availability of the community’s development information. Having all development-related information in a single location can greatly increase the ability of an applicant to access what they need quickly and efficiently. Including this information online can also maximize Big Rapids’ staff capacity, because staff will spend less time answering questions when applicants can have these questions answered by the city’s website. The city currently has the development-related information needed for a user-friendly, online guide to development, but it’s recommended that it be reformatted and made more easily accessible to applicants.

The city’s website—particularly the neighborhood services webpage—has the fundamental elements of a quality guide to development. The neighborhood services webpage features staff contact information, links to the city’s master plan, downtown plan, rental information

and applications for zoning permits, site plans and rezoning requests. It’s recommended that the city locates all development-related information on this webpage. To do this, the city should add planning commission and city commission meeting schedules, a development fee schedule, the capital improvements plan and a flow chart with estimated time frames for each step in the process. Including all pertinent information in an easy-to-understand format online is critical to providing quality customer service. The site plan review flow chart and the development fee schedule both help applicants fully understand the extent of time and money involved in investing in a community. Another aspect of customer service that is recommended, but not required to meet RRC best practice criteria, is the acceptance of credit cards. The practice of accepting credit cards for payment is becoming an expected service in today’s society and it can facilitate the development process in certain situations.

| Status | Evaluation criteria  | Recommended actions for certification  | Estimated timeline |
|--------|--|--|--------------------|
| 3.2.1  | The community maintains an online guide to development that explains policies, procedures and steps to obtain approvals. | <input type="checkbox"/> Add a flow chart with estimated time frames for the site plan review process, development-related fee schedule, planning commission and city commission meeting schedules and the capital improvements plan to the neighborhood services webpage. | Q2 2018            |
| 3.2.2  | The community annually reviews the fee schedule.   | ✓  |                    |

## Best Practice 4.1—Recruitment and orientation

Best Practice 4.1 evaluates how a community conducts recruitment and orientation for newly appointed or elected officials. Such officials sit on the numerous boards, commissions and committees that advise city leaders on key policy decisions. Ensuring the city is able to recruit the best candidates for these bodies and also have a system in place to get new members up to speed ensures predictability and accountability in the development process.

Big Rapids has four development-related boards: the city commission, planning commission, downtown development authority (DDA) and the zoning board of appeals. The city’s “Interest Indicator for City of Big Rapids Advisory Boards, Commissions and Committees” form serves as the application for a variety of city boards and commissions. This form includes meeting schedules for each board/commission and a brief summary of each board/commission’s responsibility. These summaries

assist prospective applicants in deciding if they are ready to make a commitment to serve on a city board. To meet the RRC best practice criteria, this document should be amended to include a list of desired skill sets candidates should possess for each board or commission. An example application for community boards and commissions available on the RRC’s website could assist the city in identifying desired skill sets for each board/commission position.

Just as someone’s understanding of expectations is important prior to them becoming an elected or appointed official, they are important after. Orientation packets including city ordinances, procedures, pertinent laws and other information that will prepare each city official for their new role are currently provided to newly elected or appointed officials. Big Rapids meets the RRC best practice for providing orientation information to its board/commission members.

| Status | Evaluation criteria  | Recommended actions for certification   | Estimated timeline |
|--------|--|---|--------------------|
| 4.1.1  | The community sets expectations for board and commission positions.  | <input type="checkbox"/> Add desired skill sets to the “Interest Indicator for City of Big Rapids Advisory Boards, Commissions and Committees” document | Q4 2017            |
| 4.1.2  | The community provides orientation packets to all appointed and elected members of development-related boards and commissions. | ✓   |                    |

## Best Practice 4.2—Education and training

Best Practice 4.2 assesses how a community encourages training and tracks educational activities for city officials and staff. Trainings provide officials and staff with an opportunity to expand their knowledge and ultimately make more informed decisions about land use and redevelopment issues. The advent of online training platforms makes educational opportunities more accessible than in the past and these opportunities should be taken advantage of.

The city currently has money budgeted for officials and staff to attend trainings and attendance is encouraged. Ongoing discussions about Big Rapids' issues and challenges help the city identify general areas where officials and staff could benefit from trainings. Similarly, the city is able to broadly track city officials' and staffs' completion of trainings. However, despite these proactive efforts, the city does not have a standardized method of identifying or tracking trainings and could benefit from developing one. It's recommended that the city set annual training goals for officials and staff and develop a document to track progress toward these goals in order to meet the

RRC best practice criteria for education and training. Although the city already encourages officials to attend trainings, adding "Upcoming Training Opportunities" as a standing agenda item may be beneficial for the city. As staff and officials start to attend more trainings, a formal method of sharing the lessons learned from trainings should be established.

Overall, the level of communication between city officials, staff and its residents is currently a strength of Big Rapids. The city's tradition of holding board dinners and consistently holding public meetings combined with a strong social media presence and providing consistent memos and newsletters all add up to a positive communicative city atmosphere. Although, the city has a positive communications climate, there are a couple of ways it could be improved. Currently, Big Rapids does not consistently hold collaborative work sessions or joint trainings amongst its multiple boards/commission and the planning commission does not present an annual report of planning-related activities to the city commission. Both of these practices should be started in order to meet the RRC best practice criteria.

| Status | Evaluation criteria   | Recommended actions for certification   | Estimated timeline |
|--------|---|---|--------------------|
| 4.2.1  | The community has a dedicated source of funding for training.   | ✓   |                    |
| 4.2.2  | The community identifies training needs and tracks attendance of the governing body, boards, commissions and staff. | <input type="checkbox"/> Establish a method of identifying training needs and tracking training attendance of the governing body, boards, commissions and staff   | Q1 2018            |
| 4.2.3  | The community encourages the governing body, boards, commissions and staff to attend trainings.                     | ✓   |                    |
| 4.2.4  | The community shares information between the governing body, boards, commissions and staff.                         | <input type="checkbox"/> The planning commission should present an annual report of planning activities to the city commission<br><input type="checkbox"/> Start holding collaborative work sessions and/or joint trainings | Q4 2017            |

## Best Practice 5.1—Redevelopment Ready Sites®

Best Practice 5.1 assesses how a community identifies, visions for and markets their priority redevelopment sites. Communities must think strategically about the redevelopment of properties and investments. Prioritized redevelopment should be targeted in areas that will catalyze further development around it. Instead of waiting for developers to propose projects, Redevelopment Ready Communities® identify priority sites and prepare information to assist developers in finding opportunities that match the city's vision.

To meet this best practice criteria, it is recommended Big Rapids work with stakeholders to identify redevelopment ready sites and develop a future vision for at least one of the sites. This vision should be tied to the master plan and the city should ensure the framework

is in place to support that vision (i.e., vision allowed by zoning regulations). From there, the city should gather basic information such as address, owner, value and available infrastructure, and this information should be packaged into a marketable document. At least one site package should be developed further into a complete property information package (PIP) which includes an expanded list of more technical items (as applicable) such as environmental conditions, traffic studies, market analyses etc. Finally, the sites should be actively marketed by the city and its economic development partners. Having at least three redevelopment sites—one of which will need to include a full property information package—advertised on the city website will help generate interest and stimulate economic activity in Big Rapids.

| Status | Evaluation criteria  | Recommended actions for certification   | Estimated timeline |
|--------|--|---|--------------------|
| 5.1.1  | The community identifies redevelopment sites.  | <input type="checkbox"/> Identify at least two more redevelopment sites<br><input type="checkbox"/> Develop a complete property information package (PIP) for at least one redevelopment site | Q4 2018            |
| 5.1.2  | The community gathers basic information for redevelopment sites.                                 | <input type="checkbox"/> Gather basic information on at least three redevelopment sites   | Q4 2018            |
| 5.1.3  | The community has development a vision for the redevelopment sites.                              | <input type="checkbox"/> Establish visions for each of the redevelopment sites  | Q4 2018            |
| 5.1.4  | The community identifies potential resources and incentives for prioritized redevelopment sites. | <input type="checkbox"/> Identify potential resources and/or incentives for the identified redevelopment sites  | Q4 2018            |
| 5.1.5  | A property information package for the prioritized redevelopment site(s) is assembled.           | <input type="checkbox"/> Create a property information package (PIP) for at least one of the redevelopment sites  | Q4 2018            |
| 5.1.6  | At least three redevelopment sites are actively marketed.  | <input type="checkbox"/> Market the redevelopment sites online  | Q4 2018            |

## Best Practice 6.1—Economic development strategy

Best Practice 6.1 evaluates goals and actions identified by a community to assist in strengthening its overall economic health. Today, economic development means more than business retention, expansion and attraction. While business development is a core value, a community needs to include place making and talent in the overall equation for economic success. A successful economic development strategy will highlight a community's assets, and describe a range of innovative incentives that will attract both people and businesses.

Big Rapids has been proactive in planning for its economy as evidenced by the formation of a DDA, Downtown Business Association (DBA) and Brownfield Redevelopment Authority (BRA); along with the identification of economic principles and strategies in the master plan, downtown plan and brownfield redevelopment plan. Although these proactive economic development initiatives are excellent, a formal, overarching economic development strategy will need to be developed to align with the RRC best practice criteria.

This economic development strategy can be integrated into the city's upcoming master plan update—which

currently outlines the city's desire to attract businesses downtown, expand housing options and leverage existing infrastructure to develop compact, mixed-use developments with access to transit—which could serve as a solid foundation for the integration of an economic development strategy. The economic development strategy could also be a stand-alone document. Either way, the plan should build upon the strategies identified in the master plan, downtown plan and capital improvements plan, identify strengths, weaknesses, opportunities and threats and include goals, implementation actions, estimated time frames and responsible parties. The strategy will be the strongest and the most implementable if the city coordinates its strategy with all regional stakeholders including the West Michigan Regional Planning Commission, Ferris State University, West Michigan Prosperity Alliance, Mecosta County Development Corporation. Once the city has adopted an overarching economic development strategy, it should be reviewed by the city commission on an annual basis.

| Status | Evaluation criteria   | Recommended actions for certification   | Estimated timeline |
|--------|---|---|--------------------|
| 6.1.1  | The community has approved an economic development strategy.      | <input type="checkbox"/> Develop an overarching economic development strategy to be approved by the city commission | Q3 2018            |
| 6.1.2  | The community annually reviews the economic development strategy. | <input type="checkbox"/> Schedule an annual review of the adopted economic development strategy                     | Q4 2018            |

## Best Practice 6.2—Marketing and promotion

Best Practice 6.2 evaluates how a community promotes and markets itself. Marketing and branding is an essential tool for promoting a community's assets and unique attributes. Consumers and investors are attracted to places that evoke positive feelings and to communities that take pride in their town and their history.

Big Rapids' municipal website features marketing information, such as an advertisement for the city's farmers' market, the bus dial-a-ride program, an all-city yard sale and links to Mecosta County Convention and Visitors Bureau. The website is a perfect place to market a community, and Big Rapids should continue to take full advantage. The city may want to consider adding more information, perhaps highlighting itself as an innovative "college town" (as it is the home of Ferris State University) spotlighting Big Rapids' rich history and/or the city's various lifestyle options, which could include the city's proximity to an airport or the ability to get around via public transit. Big Rapids also uses Facebook to market itself and its various events. The page has frequent posts and lots of interaction from residents and local business owners.

To become certified, Big Rapids will need to develop an overarching marketing strategy that integrates its various assets, leverages resources and establishes agreed upon city goals. Once identified, the marketing of the city's redevelopment sites (RRC best practice 5) should be

integrated into this marketing strategy. The city may want to host a visioning workshop that could help establish a unified vision for the marketing strategy and visions for each of the city's redevelopment sites.

The second element of Best Practice 6.2 is the promotion of the city through a website. A municipal website serves multiple functions. On a fundamental level, it is a means to share information, including information about public meetings, plans, policies and events. Beyond this, a website is an important expression of a community's character and image. People who are unfamiliar with a community will often first look to a website for information. They will be forming their first impressions and reaching conclusions from the website; therefore it is important that the website is visually appealing and key information is easily accessible.

Big Rapids' website features visually attractive headers on each page and is well organized with an easy to understand navigation bar across the top, resource menus along both the left and right side of the page and a summary of the city prominently displayed on the home page. The website's numerous webpages feature informative content and it is very easy to navigate among the website's web pages. As the development-related items discussed in this report are completed, they should be added to the website.

| Status | Evaluation criteria  | Recommended actions for certification                                   | Estimated timeline |
|--------|--|---|--------------------|
| 6.2.1  | The community has developed a marketing strategy.              | <input type="checkbox"/> Adopt a formal marketing strategy for the city | Q1 2019            |
| 6.2.2  | The community has an updated, user-friendly municipal website. | <input type="checkbox"/> Add missing items to the city website          | Q1 2019            |



The RRC program assists communities in maximizing their economic potential by embracing effective redevelopment tools and best practices. As this report makes clear, there are a variety of ways Big Rapids can improve its development-related practices. With the skills, strategies and resources the RRC team can provide combined with the support of city commission and the planning commission, Big Rapids will be able to achieve certification in the near future.

Big Rapids' city commission, planning commission and city staff should review this report to assure everyone is in agreement with the findings and then discuss the unmet best practice criteria and confirm it aligns with the city's goals for the future. After this, the city commission will need to pass a resolution confirming Big Rapids' desire to continue with the RRC process. The city can

work at its own pace to complete the remaining best practice items. Big Rapids may choose to incorporate some of the best practices and direction provided by this report into its master plan — which is currently being developed. The city certainly has strengths on which to build, including its long-range plans; predictable, transparent development review process and strong partnerships with a variety of local and regional partners. Existing challenges for Big Rapids include amending the zoning ordinance to encourage compact development in key areas and developing overarching economic development and marketing strategies. The RRC team is looking forward to working with the city as it progresses toward certification. RRC views this report as the first step in a productive, long-lasting relationship that will continue for years to come.

MEDC Redevelopment Ready Communities: City of Big Rapids

**Evaluation of Best Practices Status – June 2019**

| BP    | Description                            | Initial | Update | Notes on Progress Made              |
|-------|--|---------|--------|-------------------------------------|
| 1.1.1 | Master Plan                            |         |        |                                     |
| 1.1.2 | Downtown Plan                          |         |        |                                     |
| 1.1.3 | Corridor Plan                          | N/A     | N/A    |                                     |
| 1.1.4 | CIP                                    |         |        |                                     |
| 1.2.1 | Public Participation Plan              |         |        | Adopted Jan. 2019                   |
| 1.2.2 | Beyond basic public participation      |         |        |                                     |
| 1.2.3 | Share outcomes of public participation |         |        | Strategy in Public Particip. Plan   |
| 2.1.1 | Zoning Ordinance                       |         |        |                                     |
| 2.1.2 | Areas of concentrated dev. In ZO       |         |        | Downtown Form-based Code            |
| 2.1.3 | Flexible tools in ZO                   |         |        | “New Econ Type Uses” in ZO          |
| 2.1.4 | ZO allows housing options              |         |        |                                     |
| 2.1.5 | ZO - non-motorized transportation      |         |        | Bicycle parking, ped lighting, etc. |
| 2.1.6 | ZO – flexible parking standards        |         |        | Parking reductions, max standards   |
| 2.1.7 | ZO – green infrastructure              |         |        |                                     |
| 2.1.8 | ZO is user friendly                    |         |        |                                     |
| 3.1.1 | ZO contains SPR process                |         |        |                                     |
| 3.1.2 | Qualified intake professional          |         |        |                                     |
| 3.1.3 | Offer conceptual SPR meetings          |         |        |                                     |
| 3.1.4 | Strategy for developers to seek input  |         |        | In Public Participation Plan        |
| 3.1.5 | Joint department SPRs                  |         |        |                                     |
| 3.1.6 | Clear internal staff review policy     |         |        |                                     |
| 3.1.7 | Acts promptly on development requests  |         |        |                                     |
| 3.1.8 | Method to track development projects   |         |        |                                     |
| 3.1.9 | Annual review of SPR procedures        |         |        | 2018 Annual Review conducted        |
| 3.2.1 | Guide to Development, online           |         |        |                                     |
| 3.2.2 | Annual review of fee schedule          |         |        |                                     |
| 4.1.1 | Expectations of boards/commissions     |         |        | Updated forms online                |
| 4.1.2 | Orientation packets to boards/coms     |         |        |                                     |
| 4.2.1 | Dedicated funding for training         |         |        |                                     |
| 4.2.2 | Method to ID training needs, track     |         |        | Tracking spreadsheet created        |
| 4.2.3 | Encourage boards to attend training    |         |        |                                     |
| 4.2.4 | Work together between boards           |         |        | Joint meetings scheduled for 2019   |
| 5.1.1 | ID 3 redevelopment sites,              |         |        | Need 2+ more sites                  |
| 5.1.2 | Basic info on 3 sites                  |         |        | Need sites and template             |
| 5.1.3 | Community vision for 3 sites           |         |        | Need sites                          |
| 5.1.4 | ID potential resources/incentives      |         |        | Draft Incentives document           |
| 5.1.5 | PIP for one site                       |         |        | Hanchett PIP in progress            |
| 5.1.6 | Market redevelopment sites online      |         |        | Need sites and PIP to market        |
| 6.1.1 | Economic development strategy          |         |        | Work with MCDC on this              |
| 6.1.2 | Annual review of ED Strategy           |         |        | Need ED Strategy to review          |
| 6.2.1 | Formal marketing strategy              |         |        | Work with CVB? Start from zero?     |
| 6.2.2 | Update website with all RRC stuff      |         |        | Continue to add to City website     |

**Start: 20/12/9 of 41; 48% complete**  
**Certification Goal: January 2020**

**June 2019: 28/6/7 of 41; 68% complete**

## **Big Rapids RRC TA Request– June 2019**

### **Completed: FBC Consultation**

In October 2017, Kathleen Duffy led a meeting discussing the City's needs and the possible strategy of a form-based code. This used \$1725 of the City's eligible TA match.

### **Downtown, Corridor + Transition Districts Form-Based Zoning Amendments:**

- Kick off with an evening visioning session open to the public and stakeholders focused on downtown character and walkability.
  - Build upon the recent Master Plan amendments and Downtown Blueprint but focus more on how the desired character can translate to zoning amendments.
  - Introduce a form-based zoning strategy and include many visual examples on site design and mixing uses
- Form-based Amendments
  - This will likely result in hybrid form-based revisions to the C-2, R-R and R-P Districts with smaller amendments to C-3 to incorporate stronger design requirements.
  - Transition areas:
    - Analyze the adjacent areas to Downtown for how the edge conditions can transition to nearby residential neighborhoods and the State Street corridor.
    - Strengthen site design regulations, de-emphasize parking with buildings fronting the street, and integrate new high-tech and maker space uses.

Phase 2 total budget: \$18,000

75/25 split

City Budget: \$4,500

RRC Match: \$13,500

### **Phase 1: Downtown Vision**

- 1.1 Gather GIS Data/base maps
- 1.2 Review past plans/current downtown area districts
- 1.3 workshop prep
- 1.4 evening workshop (mtg #1)
- 1.5 meeting summary/draft approach
- 1.6 Steering Committee meeting on form-based approach (WebEx)

### **Phase 2: Draft Form-Based Code**

- 2.1 Draft district standards (C-2, R-R, R-P + any additional districts)
- 2.2 District graphics
- 2.3 Steering Committee meeting on draft districts (mtg #2)
- 2.4 District revisions
- 2.5 Steering committee WebEx to finalize districts
- 2.6 City would handle adoption meetings

**Future Phase: Additional Zoning Edits Identified for RRC Compliance and Ease of Use:**

- Zoning Ordinance Audit: table of recommended changes, some of which will address below, some of which the City can prioritize for amendments now or later
- Convert Uses to a table (City to start)
  - Easy to find where something is permitted
  - Good exercise to really examine where things are permitted
  - Link to use standards
- Convert “conditional use” to “special land use” to align with MZEA terminology
- Strengthen intent statements
  - Make mixed-use more of a priority
- Make residential housing options permitted by right
- Make PUD its own chapter (label these on map)
- Consider setback maximums
- Consider parking maximums
- Consider revising buffer standards between uses (doesn’t support mixing uses and can often be quite suburban)
- Add page numbers to table of contents (City)
- Ensure non-motorized transportation is accommodated
- Review site plan review process and create a flow chart (City to document current process)

We will work with you to prioritize these amendments for additional TA once the form-based portion is complete.

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## STAFF REPORT TO THE PLANNING COMMISSION

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TO: Planning Commission  
FROM: Paula Priebe, Neighborhood Services Director  
SUBJECT: Zoning for Marihuana Businesses  
DATE: 13 June 2019

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### **Introduction**

As part of the City's ongoing considerations regarding whether to allow medical or recreational marihuana establishments within the City boundaries, the discussion around zoning for such businesses continues.

Three State of Michigan laws are currently in place to regulate marihuana businesses. These are the Michigan Medical Marihuana Act (MMMA) which establishes the patient/caregiver model, the Medical Marihuana Facilities Licensing Act (MMFLA), by which medical facilities are licensed by the State and located in municipalities that opt in, and the Michigan Regulation and Taxation of Marihuana Act (MRTMA) which permits recreational marihuana businesses to be licensed by the State and located in municipalities that do not opt out.

### **What to Regulate**

See the attached Medical Marihuana Facilities Ordinance Comparison Tables document which compares the details of five different ordinances according to five different categories of regulations. The communities analyzed are: Adrian, Ferndale, Mt. Pleasant, Niles, and Center Line. They all have active Medical Marihuana facilities in their communities.

The five tables are Zoning, Buffer Distances, Signage, Building Requirements, and Other. The City of Big Rapids will need to consider regulations for all these types and more when drafting a local Medical Marihuana ordinance. As the Comparison Tables show, there is some flexibility within the MMFLA as to how local municipalities choose to regulate marihuana businesses.

The Comparison Tables are only considering existing regulations for Medical Marihuana Facilities. The Planning Commission has previously discussed the idea of drafting one ordinance which would work for both Medical and Adult Use/Recreational Marihuana. Separate laws govern each type of use, each with their own language for type of facility, but the rules from the State are expected to be similar.

### **Action**

We will have a conversation working through the different types of regulations we'll need and discussing what might be the best fit for Big Rapids. Please review our Marihuana conversations and handouts to date to be prepared to engage in that conversation.

## Medical Marihuana Facilities Ordinance Comparison Tables

*Please note: Medical Marihuana Facilities (as stipulated in the Michigan Medical Marihuana Facilities Licensing Act, 2008) include the following subcategories: growers, processors, safety compliance facilities, secure transporters, and provisioning centers. Where “all” is indicated, it means all of these:*

**Table 1: Zoning**

Type of establishments permitted, number, and districts where permitted

| City/Town<br>Type of<br>marihuana<br>facility | Number permitted by type   | Zoning Districts                          | Overlay<br>zone? | Special Land Use<br>Permit required?         |
|---|--|---|------------------|--|
| Adrian (pop. 21,100)                          |  |   |                  |  |
| All   | Unlimited within the<br>marihuana overlay zone.                                    | I-1 and I-2                               | yes for<br>Ind   | Yes (called a<br>Zoning Exception<br>Permit) |
| Provisioning<br>Centers                       | 10 permits in two Districts<br>combined. Unlimited in the<br>Ind overlay district. | B-1 and B-2<br>Ind overlay                |                  |  |
| Ferndale (pop. 19,900)                        |  |   |                  |  |
| growers<br>processors<br>transporters         | none allowed   | OS, M-1, M-2                              | no               | No.  |
| compliance<br>facility                        | 1 maximum  | OS, M-1, M-2                              |                  |  |
| provisioning<br>centers                       | 3 maximum  | OS, M-1, M-2                              |                  |  |
| Mt. Pleasant (pop. 26,000)                    |  |   |                  |  |
| growers Class A                               | 5 maximum  | SD-1                                      | No               | Yes.   |
| growers, Class B<br>or Class C                | 3 maximum  | SD-1                                      |                  |  |
| Processors and<br>transporters                | no limit   | SD-1                                      |                  |  |
| provisioning<br>centers                       | 3 maximum  | SD-1, Central<br>District (CD)-4,<br>CD-5 |                  |  |
| Niles (pop. 11,600)                           |  |   |                  |  |
| All other types                               | No Limit   | Industrial                                |                  | Yes.   |
| Provisioning<br>Center                        | Maximum of 4   | Industrial and<br>Regional<br>Commercial  | Yes              |  |
| Center Line (pop. 8,273)                      |  |   |                  |  |
| Growers                                       | Class A (5), B (5), C (5)  | M-1 or M-2                                | No?              | No?  |
| Processors                                    | Limited to 15  | M-1 or M-2                                |                  |  |



## Medical Marihuana Facilities Ordinance Comparison Tables

**Table 2: Buffer Distances**

Buffer zones as required by the local ordinance

| Type of marijuana facility               | Permitted distance from:  |  |                         |   |  | Distance from similar facilities |
|--|---|--|-------------------------|---|--|----------------------------------|
|  | <i>school</i>   | <i>Other</i>                             | <i>daycare facility</i> | <i>park, playground, house of worship</i> | <i>substance-abuse services facility</i> |                                  |
| Adrian                                   |   |  |                         |   |  |                                  |
| all                                      | 1000 ft.  |  | 250 ft.                 | 250 ft.                                   | 250 ft.                                  |                                  |
| Ferndale                                 |   |  |                         |   |  |                                  |
| provisioning center, compliance facility | 500 ft.   |  | 500 ft.                 |   |  | 500 ft.                          |
| Mt. Pleasant                             |   |  |                         |   |  |                                  |
| all                                      | 1000 ft.  | “University Special District”<br>500 ft. |                         |   |  |                                  |
| Niles                                    |   |  |                         |   |  |                                  |
| All                                      | Only permitted in Ind Dist.   |  |                         |   |  |                                  |
| Provisioning Centers                     | Permitted in Ind and RC Districts.<br><i>Buffer built into the permitted districts.</i> |  |                         |   |  |                                  |
| Center Line                              |   |  |                         |   |  |                                  |
| All                                      | 400+  | Residential Zones<br>200+                |                         | 200+                                      |  | 200+                             |

## Medical Marihuana Facilities Ordinance Comparison Tables

**Table 3: Signage and other facility stipulations**

Special regulations regarding signage, hours, and parking

| Uses                                   | Signage  | Hours              | Drive-thru | Parking   |
|--|--|--------------------|------------|---|
| <b>Adrian</b>                          |  |                    |            |   |
| all                                    | one identification sign, flat against the wall, not to exceed eight square feet  | 7AM to 9PM         | no         |   |
| <b>Ferndale</b>                        |  |                    |            |   |
| provisioning center, compliance center | (no sign stipulations found)   | 9 am to 9 pm only  | no         | same parking requirements as other medical facilities |
| <b>Mt. Pleasant</b>                    |  |                    |            |   |
| all                                    | signage may not depict marihuana, infused products or paraphernalia  |                    |            |   |
| <b>Niles</b>                           |  |                    |            |   |
| all                                    | One wall sign <50 sq. ft. and one pole or monument sign <32 sq. ft.. Cannot be illuminated. Must include an inside sign with warnings. Cannot use specific language/symbols referring to marihuana | 7:00AM to 10:00 PM | Prohibited | No special requirements                               |
| <b>Center Line</b>                     |  |                    |            |   |
| all                                    | No use of marihuana symbols or language/slang words  | 9 AM to 9 PM       | Prohibited |   |

## Medical Marihuana Facilities Ordinance Comparison Tables

**Table 4: Building requirements, nuisances**

Special regulations regarding buildings and nuisance issues

| Uses                                   | Building requirement(s)  | Regarding Nuisances  |
|--|--|--|
| <b>Adrian</b>                          |  |  |
| all                                    | enclosed building  | Cultivation or processing “shall not create noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundaries” |
| <b>Ferndale</b>                        |  |  |
| provisioning center, compliance center | --Activated carbon filtration system for odor control<br>--appearance “compatible with” nearby buildings<br>-- if part of a building, no interior access to other parts of the building facility<br>--5,000 sq. ft. max. |  |
| <b>Mt. Pleasant</b>                    |  |  |
| all                                    |  | Facilities should be set back and screened to “minimize light spillage, odor, and noise”   |
| grower                                 | indoor cultivation only, opaque sides with translucent roofs.  |  |
| provisioning center                    | appearance must be compatible with surrounding businesses  |  |
| <b>Niles</b>                           |  |  |
| All                                    | Odor Control, display of permit, Operation and Safety/Security Plans   | Odor control,  |
| <b>Center Line</b>                     |  |  |
| All                                    | Odors, Lighting, Security, Permits.  |  |

## Medical Marihuana Facilities Ordinance Comparison Tables

**Table 5: Other**

Other special regulations outside the Zoning Ordinance, including Fees and Penalties

| Number of permits/City                             | Application includes  | Costs   | Violations and penalties  |
|--|---|---|---|
| <b>Adrian</b>                                      |   |   |   |
| unlimited  |   | Permit Application: \$5,000 per permit  | Municipal Civil Infraction, may have permit denied or revoked if repeat offenses  |
| <b>Ferndale</b>                                    |   |   |   |
| unlimited  | zoning compliance permit  | Application: \$5,000<br>Annual fee: \$5,000                                       | --License revocation<br>--Misdemeanor<br>--\$500/day and/or up to 90 days in jail   |
| <b>Mt. Pleasant</b>                                |   |   |   |
| unlimited  | Copy of LARA paperwork and successful pre-qualification   | Application Fee: \$200<br>Annual<br>Administrative Fee: \$5,000 per license       | --City may request that LARA revoke or refrain from renewing license<br>--Infraction is a municipal civil infraction, each day \$500 (first violation), each subsequent violation: \$5,000.<br>--City has a right to seek other remedies. |
| <b>Niles</b>                                       |   |   |   |
| Limited by zoning, except Provisioning Centers (4) | Ord 488 Section 3.B   | Annual fee: \$5,000   | Denial, suspension, revocation or nonrenewal of a license. Misdemeanor, not more than \$1,500 and/or 90 days plus court costs and expenses.   |
| <b>Center Line</b>                                 |   |   |   |
| Numbers given, but limited further by zoning       | Long Checklist, includes State Pre-Qualification application, criminal background check of owners, etc. | Application fee: \$1,500<br>Annual fee: \$5,000<br>Annual inspection fee: \$2,500 | Misdemeanor, not more than \$1,500 and/or 90 days plus court costs and expenses.  |