



PLANNING COMMISSION SPECIAL MEETING

Thursday, October 6, 2022

AMENDED

1. Roll Call – 6:00 P.M.
2. New Business
 - a) Discussion of recreational marihuana
3. Public Comment – This is an opportunity for the public to comment on items not on the meeting agenda
4. Commissioner Comments
5. Updates
6. Adjournment

Alternatively, you may join the meeting via the Zoom platform

Dial by Phone: (312) 626-6799

<https://us02web.zoom.us/j/88320133100>

Meeting ID: 883 2013 3100

Persons interested in addressing the Planning Commission during the meeting under public comment period can press the “raise hand” button in Zoom or by phone press *9.



BOARD: Planning Commission

MEETING DATE: October 6, 2022

DATE PREPARED: September 26, 2022

AGENDA SUBJECT: Recreational Marihuana

RECOMMENDATION: Discussion

Background

With an approved petition heading to the November ballot to allow for recreational marihuana sales in the City of Petoskey, previous discussions led to three main questions. The hope with providing answers to these questions, in a public setting, is to allow the Planning Commission to consider possible routes forward in a concise manner, without making any firm decisions.

1. Can recreational be allowed in different zoning districts other than medical marihuana?
2. Can recreational marihuana have different distance minimums than medical (i.e. to churches, schools, recreational facilities, day care)?
3. Can recreational have different parking requirements than medical?

Discussion

The Michigan Regulation and Taxation of Marihuana Act (MRTMA) outlines that "...a municipality may not adopt an ordinance that... prohibits a... marihuana retailer... from operating at a location shared with a marihuana facility operating pursuant to the medical marihuana facilities licensing act..." Because of this, the Planning Commission can surmise that while the City can allow recreational marihuana retailers in other zoning districts, they cannot require it separate from the medical retailers.

In regard to different buffer distance requirements for recreational retailers, the answer is yes but strongly discouraged unless it were to reduce those restrictions. The MRTMA already requires a 1,000 foot buffer from a K-12 school. An effort to increase this buffer would conflict with already established State requirements. The City Code of Ordinances also outlines that a medical marihuana establishment be at least 500 feet "from any other medical marihuana or marihuana establishment", meaning there already are State requirements on location and adding more could be problematic in terms of practicality for the applicant.

In short, parking requirements can be different for medical and recreational marihuana facilities but the key here is that they cannot be "unreasonably impractical". If the intent is to necessitate more parking for recreational facilities because of the increased customer base, then whatever that increased number may be should be within reason.

Included below are links to the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018 and the Cannabis Regulatory Agency below, if any Commissioner wishes to dive deeper into these topics.

<https://www.legislature.mi.gov/documents/mcl/pdf/mcl-Initiated-Law-1-of-2018.pdf>

<https://www.michigan.gov/cra/sections/adult-use>

Action

Commission members should come prepared to discuss and provide consensus on what changes, if any, it may support moving forward, with any decisions to be left for future meetings.