

Joint Meeting of the Mt. Pleasant City Commission and
the Mt. Pleasant Planning Commission
Monday, March 13, 2017
6:00 p.m.

Agenda

CALL TO ORDER:

ROLL CALL:

ADDITIONS/ DELETIONS TO AGENDA:

STAFF RECOMMENDATIONS AND REPORTS:

1. Review Planning Commission's 2016 Annual Report.
2. Presentation on medical marijuana legislation by City Attorney and discussion on next steps.

PUBLIC COMMENT:

ADJOURNMENT:


All interested persons may attend and participate. Persons with disabilities who need assistance to participate may call the Human Resources Office at 779-5313. A 48-hour advance notice is necessary for accommodation. Hearing impaired individuals may contact the City via the Michigan Relay Center for Speech & Hearing Impaired: 1-800-649-3777.



MEMORANDUM

TO: Nancy Ridley
City Manager

CC: William Mrdeza
Community Services and Economic Development Director

FROM: Jacob Kain 
City Planner

DATE: February 3, 2017

SUBJECT: Planning Commission 2016 Annual Report

At their meeting on February 2, the Planning Commission approved their 2016 Annual Report. That report is attached here. The Planning Commission looks forward to discussing the report and goals for 2017 at the joint meeting scheduled for March 13th.

Requested Action:

Receive the Planning Commission 2016 Annual Report.

Attachment:

1. Planning Commission 2016 Annual Report



2016 Annual Report

Mt. Pleasant Planning Commission

Planning Commission

Lesley Hoenig, Chair
Susan Horgan, Vice-Chair
William Dailey
Tim Driessnack
Corey Friedrich
William Joseph
Glen Irwin
Michael Kostrzewa
Matt Liesch

Staff

Jacob Kain, City Planner
Becky Murphy, Office Professional

Introduction

This report is provided in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008. It reports the Commission's operations during the 2016 calendar year and the status of planning activities.

Application Summary

The following table and chart provide a summary of the number of applications processed by the Planning Commission in 2016, as well as the previous five years. In 2016, the Planning Commission met 11 times; the December meeting was cancelled due to a lack of action items.

Planning Commission Applications by Type

Application Type	2011	2012	2013	2014	2015	2016
Special Use Permits	9	15	13	12	17	15
Site Plan Reviews	17	21	20	21	24	24
Map Amendments (Rezoning)	4	1	3	1	0	2
Text Amendments	2	0	3	1	9	2
Street and Alley Vacations	0	1	0	2	0	0
Total Applications	32	38	39	37	50	43

Project Activity

The Planning Commission, with the support of the Planning and Community Development Department, completed several noteworthy tasks in 2016.



The Mt. Pleasant Center Community Workshop began with a comprehensive presentation about the property from City Manager Nancy Ridley. Participants then discussed opportunities and future goals for the site in small groups.

In February, the community was invited to participate in a workshop to develop future development concepts for the former Mt. Pleasant Center property. The results of this event were compiled into a report that will assist the City in the continual refinement of options for the future of the site.

In June, the Planning Commission unanimously recommended the hiring of Town Planning & Urban Design Collaborative (TPUDC) of Franklin, Tennessee to assist the City in the development of a new character-based code.

The project officially kicked off in September with TPUDC's second visit to Mt. Pleasant (following their interview in May). Several items were accomplished during the September visit including:

- A kickoff event was held at City Hall where members of the public learned about the purpose of the project and community input was obtained.
- The consultant conducted policymaker interviews with members of the Planning Commission and City Commission.
- A kickoff event was held with City staff to discuss interdepartmental coordination and impacts of the project on City operations.
- Synoptic surveys were completed to capture the unique character of existing areas of Mt. Pleasant.

In November, the City hosted *Planapalooza*, a four-day engagement and participation event where community members gathered to discuss their vision for the future and work with TPUDC to develop an actionable code to achieve that vision. The event included:

- A community workshop where small groups worked together to identify issues and opportunities and make suggestions on how the new code could address them.
- Four roundtable discussions on downtown; corridors; City/University relations; and industrial districts and economic development.
- 36 hours of open design studio where members of the public could interact with the consultant team, provide ideas and feedback, and watch elements of the code begin to take shape.
- A closing presentation that provided a first look at elements of the new code and gave the community an additional opportunity to learn about the project, provide feedback, and ask questions.

Michigan Economic Development Corporation provided the City with an official Redevelopment Ready Communities evaluation and the City formally engaged in the program in June. Since that time, the City has made significant progress toward certification.

In August, at the recommendation of the Planning Commission, the City Commission adopted two text changes in 2016. The first established new regulations and design guidelines for signage in the CBD-TIFA district that corresponds with Downtown Mt. Pleasant.

Among the notable changes is the inclusion of projecting signs as an allowed sign type.



Images from November's Planapalooza events.



Art Reach of Mid-Michigan was the first to install a new projecting sign as part of an overall façade renovation to their building at 111 E. Broadway.

The second text change included a rezoning, bringing properties owned by Central Michigan University in the University Park area from their previous zoning designation as Research Center District into an updated U – University District.

The only other rezoning to occur in 2016 was the amendment of an existing conditional rezoning agreement for 212 W. Pickard. The new agreement modified the terms of the prior conditional rezoning agreement by permitting a broader range of service and retail uses at that location and was approved in February.

Development Highlights

Several noteworthy projects received approvals in 2016.

On South Mission Street, Texas Roadhouse received approval to construct a new 7,163 square foot restaurant on what had been a long-vacant outparcel of the Mt. Pleasant Shopping Center. The project, approved under the Mission Redevelopment Overlay, features reduced parking and setbacks as well as improved materials and pedestrian facilities. The restaurant opened in December.

Also on South Mission Street, the Planning Commission approved two modifications to a previously-approved project that will create the first mixed-use development under the Mission Redevelopment Overlay. The project – known as Campus Commons – included the construction of a new connector street officially named Central Drive that is now open as site construction continues on the building.

In the City's industrial districts, Mt. Pleasant Tire relocated their commercial truck tire operations from a location east of the City to 1011 Industrial Drive in the City's Industrial Park North to occupy the former Maple Roll Leaf facility. In Industrial Park South, an expansion at 3701 S. Isabella Road will accommodate a relocated Fastenal while a new wholesale tenant will occupy their previous suite at the same location.



Texas Roadhouse opened in December at 2177 S. Mission in front of JC Penney.



Campus Commons mixed-use development under construction at 1720 S. Mission at the intersection with the newly opened Central Drive.

McLaren Central Michigan Hospital received approval to construct a 7,450 square foot addition to their Emergency Department. Located on the east side of the building the addition will relocate the emergency department entrance and add a new waiting area and several treatment rooms to the facility.



Rendering of the Emergency Department expansion approved for McLaren Central Michigan Hospital.

The Planning Commission (with their procedural partners at the Zoning Board of Appeals) approved two redevelopment projects in the M-2 zoning district. These projects represented the first applications of the new M-2 zoning regulations to a redevelopment project. Located at 1005 and 1007 S. University, the projects would include two dwellings containing two dwelling units each with 4 occupants per dwelling unit.



Rendering of proposed new rooming dwellings at 1005 (left) and 1007 (right) S. University.

Lastly, Meijer received approval for a 2,728 square foot addition to the store, façade update, and landscaping improvements. The façade update will be the first since the store opened in Mt. Pleasant in 1990.

Master Plan Implementation

The City of Mt. Pleasant Master Plan, adopted in November 2014, includes an implementation checklist for the Planning Commission to track progress on achieving identified initiatives during the 5 year period following adoption. A copy of that checklist is below which includes all checklist items, the timeframe identified in the 2014 plan, and progress to date.

Many initiatives may be accomplished through the adoption of the new character-based code; for the purpose of brevity, "CBC" has been shown in the *Progress* column for those initiatives.

Checklist to Implement Planning Commission Initiatives	Timeframe			Progress
	Now	Near Future	Short Term	
	2014 & 2015	Completed by end of 2017	Completed by end of 2020	
Complete the Mission Street Redevelopment Overlay Zone to include the area on Mission Street that is north of Pickard and on Pickard east of Mission to the City limits.	X			CBC
Encourage new residential developments to provide contiguous internal recreational amenities.			X	CBC
Create a vehicular access management ordinance and shared parking standards.			X	CBC
Modify the CBD zoning district to ensure redevelopment, increased viability, adequate parking, walkability, and the reuse of the upper floors of existing structures.	X			CBC
Create a Chippewa River overlay zone to ensure natural feature preservation.			X	CBC
Create a Main Street overlay district in order to provide a mixture of single-family and two-family residential uses along with office uses along the Main Street corridor which connects the central business district to multiple-family residential uses and CMU.			X	CBC
Evaluate the adequacy of the noise, air and lights standards of applicable City ordinance(s), and ensure those provisions account for new technologies such as LED lights, etc.		X		CBC
Consider additional environmental protection language for all zoning districts.			X	CBC
Restrict incompatible commercial and industrial land uses along the Chippewa River.			X	
Conduct a study to investigate the creation of a new zoning district for City park land.			X	CBC
Consider a comprehensive amendment to the sign ordinance.			X	CBC
Housekeeping amendments to the zoning ordinance that may come up from time to time.			X	
Develop storm water management regulations that comply with NPDES Phase II requirements (National Pollutant Discharge Elimination System) and encourage the use of Best Management Practices (BMPs are the use of structural, vegetative, or managerial practices designed to treat, prevent, or reduce degradation of water quality due to storm water runoff). Phase II of the NPDES program, administered by the MDEQ, requires all municipalities, industrial dischargers, construction sites of one acre or more, and other large property owners, have NPDES permits for their stormwater discharges.			X	
Update the Plan for the Mission Street/Pickard Avenue Corridor that would give clear guidelines for streetscape and pedestrian improvements.		X		CBC
Develop a Downtown Plan that would take into account Downtown issues including parking management			X	Based upon feedback from the City Commission in 2016,

(include relevant aspects of the Residential Neighborhood Parking Study), streetscape improvements, and pedestrian amenities.				it is expected that a Downtown Plan concurrently with development of a new Master Plan in 2018-9.
Adopt a Complete Streets policy that promotes walkable developments and street layouts, encourages non-motorized use, and increases safe and accessible motorized and non-motorized transportation opportunities for all legal users of the public right-of-way. Use the Greater Mt. Pleasant Area Non-motorized Plan as the City's Complete Streets resource guide to advise staff and decision makers on how to treat the construction or reconstruction of roadways in order to accommodate all legal users in a way that considers the City's Complete Streets policy.	X			The Complete Streets Ordinance was adopted in 2015.
Detailed M-2 Study: Study and inventory all structures that are bounded by High on the north, Mission on the east, Bellows to the south, and the railroad tracks to the west for the purposes of identifying guiding principles for redevelopment projects that can ultimately foster neighborhood cohesiveness and avoid site and building designs that are incompatible with adjacent single-family residential uses. The study should identify the type of existing structures (single-family residential, apartments, duplex, registered student organization, etc.), date of construction, presence of rental license(s) per structure, and the number of licensed occupants per structure within the study area.	X			The City contracted with ROWE Professional Services for the completion of this study in 2013.
Then after the above M-2 study is completed, give consideration to a study to help determine housing redevelopment opportunities in the neighborhoods located east of Main Street, north of High Street, and up to Broadway, more commonly known as the "tree" neighborhoods.			X	CBC
Create development design guidelines as a means of preserving the existing architectural character of the City. The emphasis of the guidelines shall be placed upon major renovation projects and new construction.			X	CBC
Create incentives for the maintenance and rehabilitation of existing residential structures.			X	

Other Activities

Outreach – Planning & Community Development staff presented to the following groups in 2016:

Weichert Realty

CMU Urban Economy class

Central Michigan Association of Realtors

League of Women Voters

Michigan Rural Development Conference

Century 21 Central Realty

Hometowne Realty

CMU Geography of Michigan class

Training – In March, the City hosted a Michigan Association of Planning (MAP) training on Community Engagement that was well attended by members of the Planning Commission, City Commission, Zoning Board of Appeals, and staff as well as others throughout the region.

In preparation for the new zoning ordinance project, all Planning Commissioners participated in an online training series from Planetizen called Form Based Code 101. Several City staff members as well as City

Commissioners also took advantage of the opportunity to learn more about this approach to zoning. City staff along with Planning Commissioner Lesley Hoenig completed the advanced level Form Based Code 301 course in Lansing in April.

In addition, the City Planner completed the Michigan Citizen Planner program as well as the Michigan Zoning Administrator program, earning a Zoning Administrator Certification from the Michigan Land Use Institute. Additional training was received through attendance at the MAP Spring Institute, Annual Conference, and Transportation Bonanza. Finally, the City Planner joined the American Institute of Certified Planners in November upon successfully passing the certification exam. AICP certification is the only nationwide, independent verification of planners' qualifications and is provided by the American Planning Association.

Community Improvement Awards

The Planning Commission is proud to recognize the following projects, completed in 2016, for their outstanding contributions to improving our community.



Single-Family Residential Award
707 S. University
Matthew and Robin O'Dell



Commercial Award
111 E. Broadway
Art Reach of Mid Michigan



Multi-Family/Non-Family Residential Award
104 E. May
Marshall Real Estate Investments

Looking Ahead

In 2017, the major focus of the Planning Commission will be the review and adoption of the new character-based code. It is expected that a draft of the code will be available for public review in mid-2017. Following review by the public, a formal adoption process will include public hearings before both the Planning Commission and City Commission with adoption anticipated in the Fall of 2017.

Planning staff will also continue working toward certification as a Redevelopment Ready Community. As adoption of the new code is one of the necessary steps to achieving certification, it is not expected that certification will occur until 2018.

Finally, the City will be hosting a Strong Towns workshop in April 2017, coordinated by the Planning and Community Development Department. This workshop will provide an opportunity for City staff and elected and appointed officials to learn more about issues related to growth, development, and infrastructure investment and utilization.



CITY OF MT. PLEASANT
320 West Broadway Street
Mt. Pleasant MI 48858-2447

MEMORANDUM

TO: Planning Commission
City Commission

FROM: Nancy Ridley, City Manager

DATE: March 9, 2017

RE: Presentation on Medical Marijuana Legislation

Public Acts 281 to 283 of 2016 address new regulations for medical marijuana facilities licensing. Attached for reference is a Q & A sheet that was put together by the Michigan Municipal League which provides a broad overview of the new requirements.

The City Attorney will be in attendance Monday evening to present an overview of the 2008 Medical Marijuana Act, as well as the new legislation and will answer any questions the Planning Commission or City Commission may have.

At the conclusion of the discussion, staff will be looking for direction on the Commissions' interest in pursuing a zoning and/or a regulatory ordinance.

Medical Marihuana Facilities Licensing Act Q&A

Introduction

On September 21, 2016 Governor Snyder signed a package of bills (2016 PA 281-283) that significantly expands the types of medical marihuana facilities permitted under state law, and establishes a licensing scheme similar to the scheme for liquor licenses. Notably, these bills do not require a state license to operate as a primary caregiver under the Michigan Medical Marihuana Act, nor do they allow municipalities to prohibit operation as a primary caregiver. The existing regulatory scheme regarding primary caregivers remains in effect.

Q. Why are you spelling marijuana as “marihuana”?

A. The word was originally spelled with an “h” in the Michigan Medical Marihuana Act. In addition, that is how the word is spelled in federal law and the new Medical Marihuana Facilities Licensing Act. The League uses the “h” when referring to medical marihuana.

Q. Has marijuana been legalized?

A. No, marijuana has not been legalized. It is still an illegal drug under federal and state law. The Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008, allows qualified patients and registered caregivers identified with those patients to use marijuana for specified medical conditions. That law did not legalize marijuana, but it prohibits prosecuting or penalizing qualified patients and registered caregivers who use marihuana for medical purposes as long as they comply with the MMMA. Subsequent court opinions clarified that only those persons who were qualified patients and registered caregivers (and persons who met the requirements of Section 8 of the MMMA, even if not registered with the state) could exchange or use medical marihuana. A third party—a person providing or selling marihuana to a qualified patient who is not that person’s registered caregiver—does not have the protection from prosecution under the MMMA. Any arrangement outside of the patient-caregiver relationship, including “dispensaries,” does not comply with the MMMA and is illegal.

Q. What is legal today?

A. Only a patient-caregiver relationship conducted in compliance with the Michigan Medical Marihuana Act is legal today. Note that the MMMA was recently amended by PA 283 of 2016 to include certain marihuana-infused products, or “edibles,” and to clarify what plants and parts of plants are allowed within the limits imposed by the Act.

Q. If marihuana dispensaries are currently illegal, how come we see them all over?

A. Because the local jurisdiction has chosen not to enforce state or federal laws that make marihuana illegal outside of the patient-caregiver relationship protected by the MMMA. In most cases, the municipality has “decriminalized” certain uses of marihuana and/or chosen to not utilize enforcement resources for small amounts or certain levels of activity. But that is a forbearance, not legalization.

Q. Didn’t Michigan just pass a law making marihuana dispensaries legal?

A. Yes, the Medical Marihuana Facilities Licensing Act (MMFLA), Public Act 281 of 2016, but it does not take effect until December 20, 2016. And, the MMFLA includes an additional delay in implementation of 360 days to enable the Michigan Department of Licensing and Regulatory Affairs (LARA) to establish the licensing system required by the Act.

A person cannot apply to the state for a license of any kind under the MMFLA until December 15, 2017. And, no one can apply to the state for a license of any kind under the MMFLA unless the municipality has adopted an ordinance authorizing that type of facility.

So, even after December 15, 2017, any marijuana provisioning center or other activity involving marijuana that does not comply with the Michigan Medical Marijuana Act *will still be illegal*, unless the municipality has adopted an ordinance that authorizes that type of facility under the Medical Marijuana Facilities Licensing Act. (Note that the word “dispensary” has been commonly used to refer to a variety of medical marijuana activities, but the new laws do not refer to “dispensaries.” Under the MMFLA, “provisioning centers” are what many people would describe as a “dispensary.”)

Q. What if an applicant comes to our council meeting now and demands that we adopt an ordinance or approve the applicant’s license?

A. If a municipality is approached by an applicant stating that the council must adopt an ordinance, then that applicant has misunderstood the law.

A municipality cannot be required to adopt an ordinance to allow facilities authorized under the MMFLA—now, or at any time.

If a municipality is approached by an applicant demanding it consider the application, or stating that the council must authorize the applicant’s facility, note these points:

- Before December 15, 2017, no municipality can be required to consider an application. Even if a city, village, or township adopts an ordinance to allow the facilities authorized by the MMFLA, the state’s licensing system is not in place, and no applications will be considered by LARA until December 15, 2017.
- After December 15, 2017, if a municipality has not adopted an ordinance allowing any of the facilities authorized by the MMFLA, then the municipality is not required to consider any applications for MMFLA licenses, because no licenses will be approved by LARA for a facility in a municipality that has not passed an opt-in ordinance.
- After December 15, 2017, if a municipality has adopted an ordinance allowing any of the facilities authorized by the MMFLA, and the application involves one of the type(s) of facilities that the city, village, or township allows in its ordinance, and the cap on the number of that type of facility imposed by the municipality’s ordinance has not been reached, then the municipality will be asked to provide information to LARA as part of the licensing approval process.

Q. What do we need to do if we do NOT want any of the facilities authorized under the MMFLA in our city, village, or township?

A. Do nothing. You do not need to adopt an ordinance to prohibit the types of facilities authorized under the MMFLA. They are already prohibited by state and federal law.

You do not have to consider any application for any facilities currently because no application will be considered by the state until December 15, 2017. And even after that date, if your municipality has not adopted an ordinance allowing that type of facility, that application will not be considered by the state.

*Note that, because dispensaries and other marijuana facilities or operations outside of the patient/caregiver relationship are NOT currently lawful (even where marijuana has been decriminalized locally), existing dispensaries or other marijuana facilities or operations are not currently lawful non-conforming uses for zoning ordinance purposes.

Q. What do we need to do if we DO want any of the facilities authorized under the MMFLA?

A. Any time before December 15, 2017, a municipality that wants to allow medical marijuana facilities to operate within its boundaries could adopt an ordinance allowing one or more of the specific types of facilities authorized by the new Act. **Adopting such an ordinance before December 15, 2017 does NOT make a facility lawful** December 15, 2017 is the earliest an applicant may submit an application to the Medical Marijuana Licensing Board (MMLB) for consideration.

Any time after December 15, 2017, a municipality that wants to allow medical marijuana facilities to operate within its boundaries would adopt an ordinance allowing one or more of the specific types of facilities authorized by the MMFLA. The ordinance should specify which type(s) of facilities—and how many of each type—the municipality is choosing to allow. If a municipality “opts in” with an ordinance that does not specify a cap on the type(s) or number of each, applications for any of the types and any number of a type within the municipality will be considered by LARA.

But a license from the state is still required before a specific facility is authorized to legally operate under the MMFLA. The council's adoption of the ordinance allowing medical marihuana facilities does not automatically make all facilities lawful. Also note that, because dispensaries and other marihuana facilities or operations outside of the patient/caregiver relationship are NOT currently lawful (even where marihuana has been decriminalized locally), existing dispensaries or other marihuana facilities or operations are not currently lawful non-conforming uses for zoning ordinance purposes.

Q. Why would a municipality consider allowing one or more of the types of facilities authorized under the MMFLA?

A. Some communities accept medical marihuana use for compassionate reasons, and believe that the new Facilities Licensing Act will better facilitate the spirit and actual practice of the patient-caregiver relationship authorized by the statewide initiative that created the Medical Marihuana Act in 2008.

Other communities may be responding to a real demand or broad support locally for providing medical marihuana facilities and business opportunities. And, it may be a revenue source.

- **Annual administrative fee:** Once a municipality adopts an ordinance allowing one or more of the types of facilities authorized by the Medical Marihuana Facilities Licensing Act, the municipality may in that ordinance require "an annual, nonrefundable fee of not more than \$5,000 on a licensee to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the municipality." ("Nonrefundable"—as in not returned if the license is revoked or not renewed.)
- **Property tax revenues:** These facilities are businesses and may actually be quite profitable. And, in some communities, medical marihuana facilities will utilize commercial properties that are currently vacant or even off the tax roll due to foreclosure.
- **State shared revenues, as appropriated:** A state tax will be imposed on each provisioning center at the rate of 3 percent of the provisioning center's gross retail receipts, which will go to the state Medical Marihuana Excise Fund. The money in the fund will be allocated, upon appropriation, to the state, counties, and municipalities in which a marihuana facility is located, with "25 percent to municipalities in which a marihuana facility is located, allocated in proportion to the number of marihuana facilities within the municipality."

Based on the Michigan Township Association's "New Medical Marijuana Laws Q&A," by Catherine Mullhaupt, MTA Staff Attorney, 10/31/16