

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of January 17, 2018

**SUBJECT: 321 East Liberty Special Exception Use (321 E Liberty Street)
File No. SEU17-004**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions) and, therefore approves the 321 East Liberty Special Exception Use for a medical marijuana provisioning center.

STAFF RECOMMENDATION

Staff recommends that the special exception use petition be postponed and the public hearing be continued to the February 21, 2018 City Planning Commission meeting.

A full staff review and report will be included in the February 21, 2018 meeting packet. The public hearing was scheduled prematurely, before the medical marijuana zoning ordinance language goes into effect on February 12, 2018. Planning Commission may not take action on this special exception use until after the ordinance is in effect.

LOCATION

The site is located on the north side of East Liberty between South Fifth Avenue and South Division Street. It is in the Old Fourth Ward Historic District, the Allen Creek subwatershed, and the first ward.

DESCRIPTION OF PETITION

The petitioner seeks special exception use approval to operate a medical marijuana provisioning center called Arbors Wellness in an existing building zoned D1. Per the Zoning Ordinance, Chapter 55, D1 Downtown zoning allows medical marijuana provisioning centers with special exception use approval.

The 7,927 square foot site contains a 5,097 square foot, two-and-a-half-story masonry building. The petitioner indicates there are seven parking spaces on the site, one of which is barrier free. The driveway and parking area are gravel, with no individual space delineation, and the driveway is shared with the property to the west. There are no changes proposed to the site or exterior of the building. The entire building is proposed to be used as a provisioning center.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Bank/Parking lot/Residential	D1 Downtown Core
EAST	Retail	D1 Downtown Core
SOUTH	Retail/Residential/Office	D1 Downtown Core
WEST	Retail/Office	D1 Downtown Core

HISTORY

The Enoch & Armanilla James House was constructed in the Federal style of brick in 1849. Its character-defining features include the stepped gables and star tie rods visible on the side elevation, the 6/6 double hung windows, and the classical entryway. According to *Historic Ann Arbor: An Architectural Guide* (Wineberg and McCauley, 2014) and the 1880 Bird's Eye-View map of Ann Arbor, the complementary front porch serving as an elegant stoop was constructed sometime between 1880 and 1909. Emil Lorch, former dean of the University of Michigan Architecture School, described the building in 1936 as "a two and one half story Eastn City row type, rare in Michigan." It was used as a boarding house late in the 19th century, and was converted to a duplex in 1980. The building now has commercial uses.

PLANNING BACKGROUND

The *Master Plan Land Use Element* recommends a future land use of *downtown core* for this site and the surrounding area. The Master Plan recommends reinforcing historic buildings' contribution to downtown's identity and pedestrian orientation.

SPECIAL EXCEPTION USE STANDARDS

General Standards - The Planning Commission, in arriving at its decision relative to any application for a special exception, shall apply the standards shown on the attached petition. Staff will work with the petitioner to better address some of the areas listed.

Prepared by Jill Thacher
Reviewed by Brett Lenart

Attachments: Zoning/Parcel Maps
Aerial Photo
Special Exception Use Application

c: Petitioner: James F. Daly
c/o CannArbor
321 E Liberty St
Ann Arbor, MI 48104

Petitioner's Agent: Washtenaw Engineering Company
Robert Wanty
3526 W. Liberty Rd, Suite 400
Ann Arbor, MI 48103

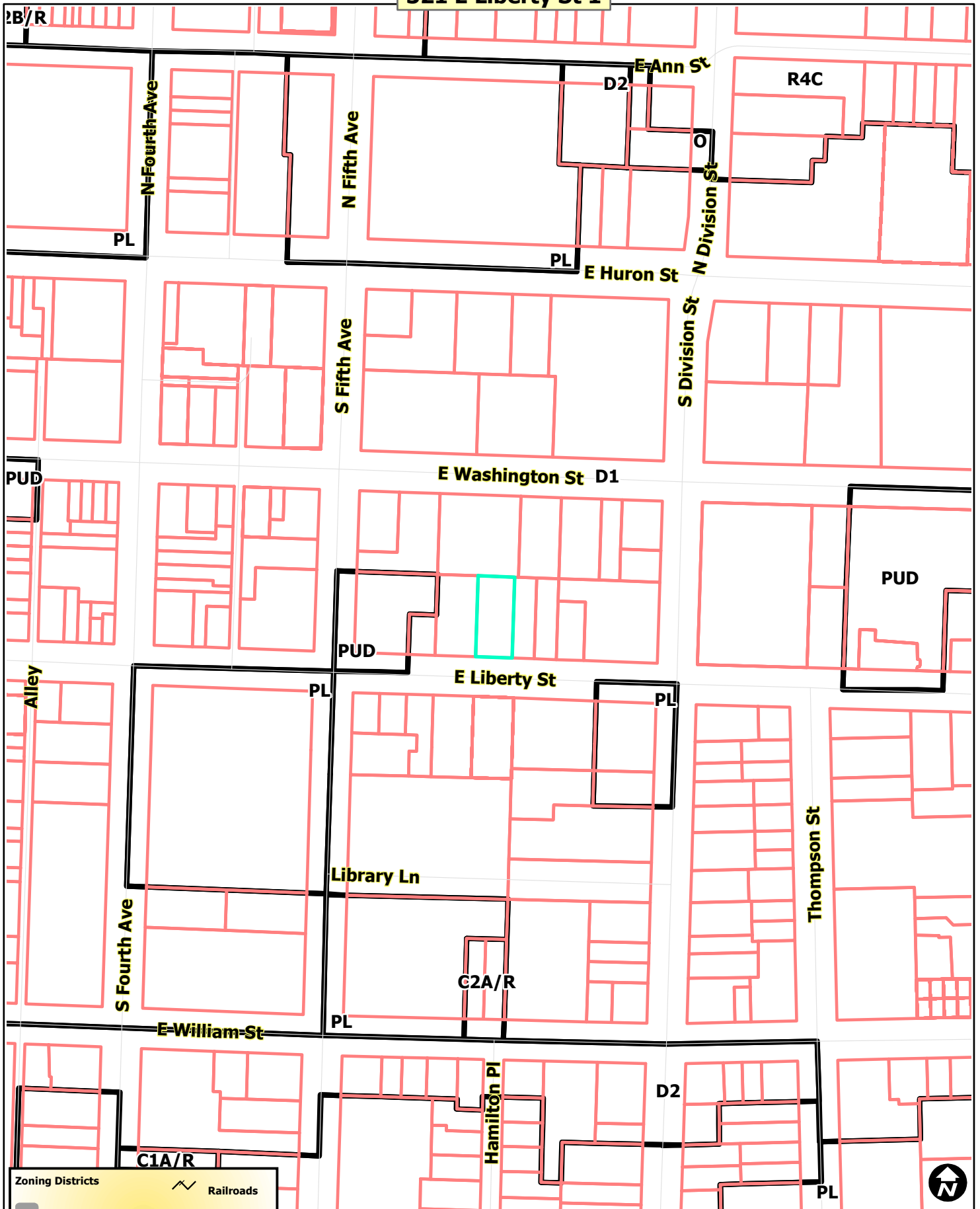
Property Owner: William A. Copi
1012 Miner Street
Ann Arbor, MI 48103

Systems Planning
File No. SEU17-004

321 E Liberty (August, 2016, courtesy the Google)



321 E Liberty St 1

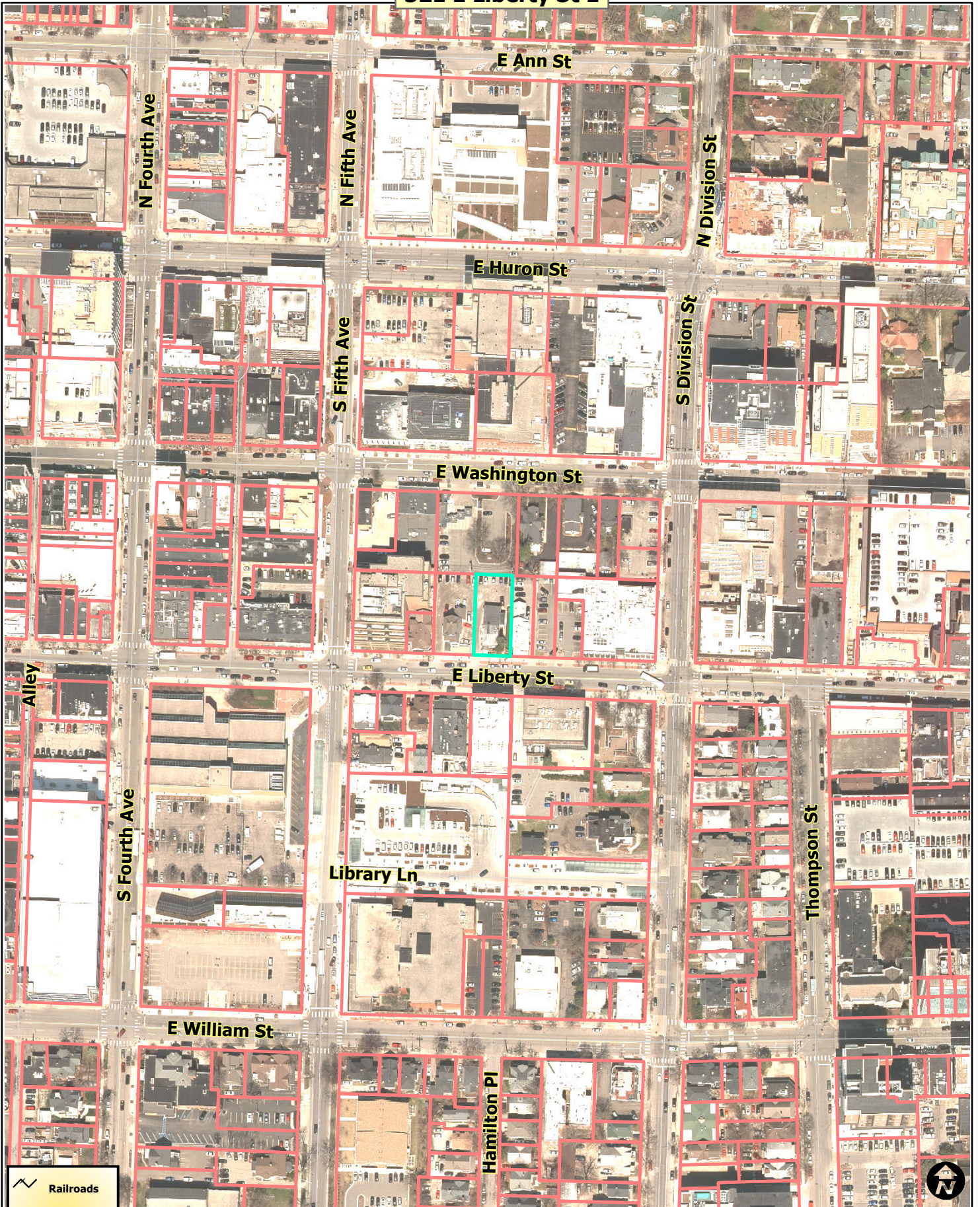


Zoning Districts

- Township Islands
- City Zoning Districts
- Railroads
- Huron River
- Tax Parcels



321 E Liberty St 1



 Railroads

 Huron River

 Tax Parcels

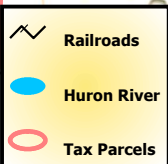


Map date 12/28/2017
Any aerial imagery is circa 2015
unless otherwise noted
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321 E Liberty St 1

E Washington St

E Liberty St



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City of Ann Arbor

PLANNING & DEVELOPMENT SERVICES — PLANNING SERVICES

100 North Fifth Avenue | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647
p. 734.794.6265 | f. 734.994.8312 | planning@a2gov.org

APPLICATION FOR SPECIAL EXCEPTION USE

See www.a2gov.org/planning/petitions for submittal requirements.

TO: Ann Arbor City Planning Commission

We, the undersigned, respectfully petition the City Planning Commission to approve this special exception use request as it relates to the property hereinafter described.

A. Legal Description

(Give or attach legal description and include address of property)

City of Ann Arbor, County of Washtenaw, State of Michigan, to wit: Lot 13, except East 6 feet, B2S, R6E, Original

Plat of the City of Ann Arbor, according to the Transcripts, Page 152, Washtenaw County Records.

More Commonly Known as: 321 East Liberty St.

Tax Item Number: 09-09-29-112-018

B. Petitioner Information

The petitioner(s) requesting the special exception use are: *(List petitioners' name; address; telephone number; and interest in the land; i.e., owner, land contract, option to purchase, etc.)*

CannArbor INC

James F. Daly C/O CannArbor, 321 East Liberty St., Ann Arbor, MI 48104

(734) 474-5881; Lessee

Also interested in the petition are: *(List others with legal or equitable interest)*

William A. Copi; 1012 Miner Street, Ann Arbor, MI 48103; Lessor

Brian Doelle C/O CannArbor, 321 East Liberty St., Ann Arbor MI 48104. (248) 892-3879; Lessee

C. Use Request

The applicant requests special exception use approval to permit the following use(s): *(state intended use)*

A Medical Marihuana Provisioning Center in a D1 zoned district as allowed for by the Ann Arbor Code of Ordinances Chapters 55, Section 5:10.19(2)(a), and 96.

D. Specific Standards

The proposed use is allowed in accordance with the Schedule of Use Regulations, Chapter 55 (Zoning Ordinance), Section 5:10.19, Paragraph 2(a). Specify how the project meets all standards cited. Add attachment if necessary.

The site and building are existing. No new exterior work is being proposed at this time. The Proposed use is allowable within the district subject to

Chapter 55 section 5:50.1 and a special exception per 5:104 (See Attached for additional standards)

E. General Standards

The proposed use or uses shall be of such location, size and character as to be compatible with the appropriate and orderly development of the zoning district and adjacent zoning districts in which the site is situated. Please explain how and to what extent the following standards are met by the proposal:

1. Will be consistent with the general objectives of the City Master Plan.

Provisioning Centers are special exception uses in the D1 (Downtown) zoning district. This will not require re-zoning and is consistent with the City

Master Plan and schedule of uses in Table 5:10.19A

2. Will be designed, constructed, operated and maintained in a manner that is compatible with the existing and planned character of the general vicinity.

The site and building are existing and compatible with the Liberty/Division overlay district. At this time, no new exterior work is being proposed.

3. Will be consistent with the general character of the neighborhood considering population density, design, scale and bulk; and the intensity and character of activity.

The neighboring parcels are also in the D1 District and the use is consistent with those permitted uses as outlined in Table 5:10.19A

4. Will not be detrimental to the use, peaceful enjoyment, economic value or development of neighboring property, or the neighborhood area in general.

The use is consistent with the neighboring properties as they are also retail establishments, will not damage the general character of the neighborhood, and there will be no additional population density added to the area, as it is not a residential project

5. Will not have a detrimental effect on the natural environment.

It will not have a detrimental effect on the natural environment as the site and building are already in existence

The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use or uses, the assembly of persons in connection therewith, and the effect of the proposed use on public services and facilities, will not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood. Please explain how and to what extent the following standards are met by the proposal:

6. The location of and access to off-street parking and the safe provision for pedestrian traffic.

The site is located in the Special Parking District and does not exceed the normal maximum permitted usable floor area as outlined in Chapter 59:5.169, and therefor, no off-street motor vehicle parking is required. The site does include 10 regular, 1 handicap and 4 bicycle off-street bicycle parking spaces; exceeding city requirements.

7. The relationship of the proposed use to main traffic thoroughfares and to streets and road intersections.

The relationship will not change. Traffic Patterns will remain consistent with the current use.

8. Vehicular turning movements in relationship to traffic flow routes.

There will be no changes to vehicular turning movements and no change to traffic flow routes.

9. The intensity and character of traffic and parking conditions on the site and in the general area.

The site is located in a Special Parking District and does not require off-street parking. However, the location has parking spaces.

10. The requirements for additional public services and facilities which will be created by the proposed use will not be detrimental to the social and economic welfare of the community.

No need for additional public services.

F. Variance Information

In addition to the granting of the special exception use, the following variances from City regulations will be requested:

There is no need for additional variances.

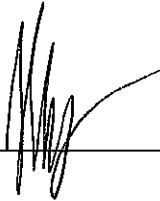
Attached is a site plan of the property proposed for special exception use approval, showing the

boundaries of the property, the buildings, vehicular use areas, and all requirements set forth in Chapter 57 (Subdivision and Land Use Controls).

The undersigned states he/she is interested in the property as aforesaid and that the foregoing statements are true and correct to the best of his/her knowledge and belief.

Dated: 12-7-17

Signature: _____



James Daly

321 E Liberty St. Ann Arbor, MI 48104

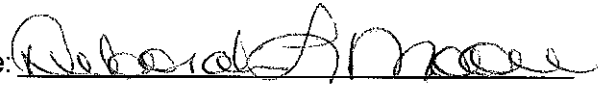
(Print name and address of petitioner)

STATE OF MICHIGAN

COUNTY OF WASHTENAW

On this 7 day of December, 2017, before me personally appeared the above named petitioner(s), who being duly sworn, say that they have read the foregoing petition and by them signed, and know the contents thereof, and that the same is true of their knowledge, except as to the matter therein stated to be upon their information and belief, and as to those matters they believe it to be true.

Signature: _____



Deborah L. Moore

DEBORAH L. MOORE
NOTARY PUBLIC - STATE OF MICHIGAN

COUNTY OF WASHTENAW

My Commission Expires July 22, 2020

Acting in the County of Washtenaw

My Commission Expires: 7.22.2020

acting in Washtenaw County