

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of January 17, 2018

**SUBJECT: 2730-2734 Jackson Special Exception Use (2730-2734 Jackson Ave)
File No. SEU17-006**

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 2730-2734 Jackson 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 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 Jackson Avenue between I-94 and Lakeview Drive. It is in the Allen Creek subwatershed, and ward five.

DESCRIPTION OF PETITION

The petitioner seeks special exception use approval to operate a medical marijuana provisioning center doing business (Treecity) in an existing building zoned C2B. Per the Zoning Ordinance, Chapter 55, C2B Commercial zoning allows medical marijuana provisioning centers with special exception use approval.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	I-94 Highway	C3 Commercial
EAST	I-94 Highway	C3 Commercial
SOUTH	Bethlehem Cemetery	AG Agriculture
WEST	Vacant	R5 Hotel

HISTORY

This site was formerly part of Scio Township. The Twin Valley Commercial Development Site Plan was approved by City Council on August 19, 1985, and administratively amended on November 26, 1986. It contains two one-story commercial buildings at 2728-2750 Jackson Road and 73 parking spaces.

PLANNING BACKGROUND

The *Master Plan Land Use Element* recommends a future land use of *commercial* for this site and for other parcels abutting I-94 to the south. On the south side of Jackson the recommended land use is a mix of single-family/two-family and public/quasi-public on the cemetery site.

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 Petition

c: Petitioner: Alec Riffle
 Ann Arbor Provisioning Center, LLC
 2730 Jackson Ave
 Ann Arbor, MI 48103

Property Owner: Arbor West Enterprise, LLC
 1555 S Main Street
 Chelsea, MI 48118

Systems Planning
File No. SEU17-007

2730-2734 Jackson
(August, 2017, courtesy
Google)



2730 Jackson Ave



- Railroads
- Huron River
- Tax Parcels



Map date 12/28/2017
Any aerial imagery is circa 2015
unless otherwise noted
Terms of use: www.a2gov.org/terms

2730 Jackson Ave





City of Ann Arbor

PLANNING & DEVELOPMENT SERVICES — PLANNING SERVICES

100 North Fifth Avenue | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647
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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)

Legal Description: Exhibit A

Address: 2730, 2732, 2734 Jackson Ave, Ann Arbor, MI 48103

Zoned: C2B

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.)*

Alec Riffle (Member) on behalf of Ann Arbor Provisioning Center, LLC (A2PC d/b/a Treecity)

2730 Jackson Ave, Ann Arbor, MI 48103

(216) 543-0990, alec@treecityannarbor.com

Executed Lease, Exhibit B

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

No others with legal or equitable interest

C. Use Request

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

Michigan Medical Marijuana Provisioning Center special exception use subject to section 5:104

D. Specific Standards

The proposed use is allowed in accordance with the Schedule of Use Regulations, Chapter 55 (Zoning Ordinance), Section 5, Paragraph 10.21. Specify how the project meets all standards cited. Add attachment if necessary.

ORD-17-21

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.

TreeCity's intended use will have no negative impact on Ann Arbor's Master Plan. Our desired location is appropriate for the intended use as allowed in the Medical Marijuana Zoning Ordinance and is determined to have no negative affect on the future physical development of the city and is committed to preserving the city's unique character.

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

TreeCity will design, construct and operate its facility in accordance with all applicable city, county and state codes/rules. The facility will maintain all exterior appearance as existing businesses in the area with no fixture or signage outside of identification that is not wholly consistent with the surrounding area.

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.

TreeCity is committed to maintaining the current design, scale and bulk of the facility as is currently in existence. It shall maintain consistency to all other businesses in the area and is well suited for the area, as has been apparent upon initial construction of the building (40 years) and operation of the business (3 years), without issue.

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

No communication or implication of nuisance has been reported from any business neighbors or their customers to date. TreeCity has driven an increase in business both for themselves and neighboring business. Value of the property has increased during TreeCiy's operation at this location.

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

TreeCity will not have any negative impact on the natural environment. No function of the facility creates any waste outside of standard grey water creation through regular utility usage. To the contrary, our air purification systems have been noted to filter and eliminate particulate and air contaminates. It is also our mission to utilize Green technologies where ever possible (energy and waste reduction, reusable resources, recycling, etc.)

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 facility is supplied with a large parking lot of 60+ parking spaces as was intended upon initial design and approval of the parcel. This area has minimal pedestrian traffic, however, appropriate and well maintained sidewalk and walkways are present and available.

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

No expectation of any special use of main traffic thoroughfares or streets are present. Jackson avenue has recently been widened and meets the needs of the active traffic. TreeCity's operation will have no effect on these uses.

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

As a parcel containing multiple business suites, parking lots, driveways and turning movements are appropriate for their use. No impact is expected or has been observed.

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

Traffic on Jackson avenue is steady due to proximity of highway on and off ramps and to many large businesses such as car dealerships, hotels and entertainment facilities. TreeCity will and has no impact on this traffic. Parking is appropriate to other retail locations and far better than many (as commented on consistently by patrons)

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 additional public services or facilities are required and thus will have no effect on social or economic welfare of the community.

F. Variance Information

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

No other variances are required or will be requested.

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: 12-22-2017

Signature: 
Alec S. Riffle

Ann Arbor Provsioning Center, LLC (d/b/a TreeCity)
2730 Jackson Ave. Ann Arbor, MI 48103
(Print name and address of petitioner)

STATE OF MICHIGAN

COUNTY OF WASHTENAW

On this 22nd 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: 

My Commission Expires: 06/23/2023