

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of February 21, 2018

**SUBJECT: 2730 Jackson Special Exception Use and Site Plan (2730 Jackson)
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, including an accompanying site plan, finds the petition substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions) and Section 5:50.1 (Regulations Concerning Medical Use of Marijuana), and therefore approves the 2730 Jackson Special Exception Use for a medical marijuana Provisioning Center. This approval is based on the following findings:

1. The proposed use will be consistent with the C2B Business Service District, which provides for commercial activities including retail establishments, offices, and personal services.
2. The proposed use will not adversely impact traffic, circulation, or streets and road intersections based on the location. Jackson Avenue provides access to the site, and the proposed use is consistent with other surrounding uses' traffic impact.
3. There is an existing site plan approved by City Council in 1985 and administratively amended in 1986 on file in Planning Services.
4. Through documentation submitted by the petitioner regarding waste disposal, inventory tracking, security, and other methods of operation of the facility, the provisioning center will be operated in a manner that will not have an adverse impact on the neighboring properties or area, and will not have a detrimental impact on natural features.

This Special Exception Use approval is based on the following conditions:

1. The petitioner obtaining both a State of Michigan Medical Marijuana License and a City of Ann Arbor Medical Marijuana Permit, and providing documentation to Planning Services within three years of the City Planning Commission approval date of this petition.
2. The petitioner operating a medical marijuana business at this address within three years of the City Planning Commission approval date of this petition.
3. The petitioner planting trees shown on the City Council approved site plan that are missing or in poor health, by May 30, 2018. These trees will be of a caliper and species that match the ones shown on the site plan, or equivalent trees of a more appropriate species, as determined by City Staff.
4. The petitioner installing nine bicycle parking spaces as shown on sheet A101.

And that the Ann Arbor Planning Commission approves the attached Site Plan which demonstrates compliance with the applicable Special Exception Use standards as no physical development of the property is proposed.

STAFF RECOMMENDATION

Staff recommends that the special exception use be **approved with conditions** subject to Planning Commission consideration because the proposed special exception use is of such location, size and character as to be compatible with the zoning district in which the site is situated; and the location and size of the proposed use, its nature and intensity, the site layout and access, and effect of the proposed use on public services would not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood.

LOCATION

The site is located on the north side of Jackson Avenue between the I-94 overpass on and I-94 eastbound on-ramp. 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 in an existing building zoned C2B. Per the Zoning Ordinance, Chapter 55, C2B zoning allows medical marijuana provisioning centers with special exception use approval.

The 1.6 acre site contains two, single-story retail buildings: the 5,600 square foot east Building B, and the 8,100 square foot west Building A. The provisioning center occupies approximately half of Building A. The petitioner indicates there are 71 parking spaces on the site, three of which are barrier free. The driveway and parking area are previously improved, with a single curb cut to Jackson. One change is proposed to the site: the addition of 9 bicycle parking spaces along the south wall of Building A. This work would not require an administrative amendment to the site plan.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	I-94	n/a
EAST	I-94	n/a
SOUTH	Cemetery	AG Agriculture
WEST	Vacant (former Michigan Inn site)	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. The site has been in continuous operation with multiple tenants over the time since construction. TreeCity has been operating at the location for three years.

PLANNING BACKGROUND

The C2B Business Service District encourages a variety of uses. Medical Marijuana Provisioning Centers are a Special Exception Use in the District.

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

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.

In addition, the following information is required to be submitted for provisioning centers per 5:50.1(8) Special exception use regulations for medical marijuana facilities:

- 1) an operations statement that describes the life cycle of marijuana on site, and general business operations;
- 2) a safety and security plan that addresses marijuana, customers, employees, and the neighborhood;
- 3) a description of methods to be used to contain all odors within the building;
- 4) a waste disposal plan for marijuana; and
- 5) hours of operation.

This required information is attached, and additional information may be found in the complete project application package in Trakit at www.a2gov.org/permits.

PLANNING STAFF COMMENTS

Medical marijuana provisioning is a land use akin to general retail. Goods are located on site, and consumers, in this case state medical marijuana card-holders, purchase those goods and leave the store with them. This business was included in the original group of 2012 applicants under the City's previous medical marijuana ordinance. It relocated to this retail center three years ago.

The special exception use requirements as they are applied to this petition are broken down into general categories below.

West Area Plan: The master plan recommends commercial uses for this location, of which the proposed use is consistent.

Compatibility with the general vicinity: The use is not unlike the retail businesses surrounding it. In this retail center, these include a fitness center and nail salon in Building B, and in Building A, jewelry sales and both human and canine hair salons.

Consistent with the neighborhood and not detrimental: The business has proven over the last three years that the intensity and character of its activities are compatible with this commercial development. No complaints have been received by Planning and Building about this business.

Parking: The current mix of business require 55 vehicle parking spaces. There are 71 existing spaces, down two from the original site plan. Four class C and five class B bicycle parking spaces are currently required. The petitioner proposes to install nine bike hoops that are 2' apart. This meets the spacing requirement, but five hoops installed with 4' between would also meet code and fit into the 18' space, as long as one of the end hoops is at the edge of the pavement. Five of the spaces are located under a 2' deep eave overhang, and thus are partly covered. Staff believes the location of the bike parking is very good for building A, with sidewalk access from both directions and good connectivity to interior sidewalks. There are no bike lanes on this stretch of Jackson Avenue.

Pedestrian Safety: Pedestrian access to the site is limited. Public sidewalks are present along Jackson Avenue, and there are interior sidewalks to and between the buildings, but there is little pedestrian connectivity to the south, east, or west.

Vehicular movement and traffic: The vehicle trips generated by a provisioning center are consistent with general retail uses found in C2B district, and surrounding land uses. This retail center has good access to and from Jackson Avenue from a single curb cut.

Natural Features: The 1985/86 site plans include a number of trees that are no longer present. To bring the site plan into compliance, four deciduous and eight coniferous trees must be planted as shown between the parking lot and Jackson Avenue, and any other missing or dead trees shown on the site plan must also be replaced. If the species on the site plan is not an approved tree species by the City of Ann Arbor, a substitute must be approved by city staff. The motion is conditioned upon the planting of these trees by May 30, 2018.

Additional required Medical Marijuana SEU information:

Operations Plan: The attached operations plan is comprehensive and does a good job describing operations and procedures.

Safety & Security: A thorough safety and security plan is attached. The provided plan addresses risk mitigation, emergency response, and building and staff security. It should be noted that the state licensing process requires an extremely detailed and comprehensive security system. Staff does not ask for the particulars of provisioning centers' security plan since our documents are all public, unlike the state license permit application which is not.

Odor Control: Lack of odor control is the most frequent complaint heard by staff about provisioning centers. This petition includes a statement in the application attachment (page 8) about the filters and fans that will be used to control odor. Per the medical marijuana zoning ordinance, no facility may create noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.

Waste Disposal: All parts of a marijuana plant that are to be discarded will first be rendered unusable by grinding and mixing with neutral materials. Until the state publishes approved disposal methods, the business will send this compostable material to an approved disposal facility.

Hours of Operations: As stated on the Cover Sheet attachment, hours will be Monday-Saturday, 11am-8pm, and Sundays from 12:00pm-7:00pm. Closed Independence Day, Thanksgiving, Christmas and New Year's Day.

DEPARTMENT COMMENTS

No department made comments on the petition.

Prepared by Brett Lenart/Jill Thacher

Attachments: Zoning/Parcel Maps
 Aerial Photo
 [SEU Petition Application](#)
 [SEU Application Attachments](#)
 [Safety Plan](#)
 [Site Plan](#)
 [Floor Plan](#)

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 City Attorney's Office
 Systems Planning
 File No. SEU17-006