

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of November 4, 2020

SUBJECT: 2115 South State Street Special Exception Use for Accessory Marijuana Provisioning Center/Marijuana Retailer with Site Plan for Planning Commission Approval

File No. SEU18-039

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 (Unified Development Code), Section 5.29.5.D (Special Exceptions) and Section 5.16.3.G (Marijuana Facility), and therefore approves the 2115 South State Street Special Exception Use for an accessory Marijuana Provisioning Center/Marijuana Retailer. This approval is based on the following findings:

1. The proposed use will be consistent with the MIA (Limited Light Industrial) District, which provides for light industrial uses and accessory retail sales of manufactured products.
2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. South State Street provides access to the site, and the proposed use is consistent with other surrounding uses' traffic impact.
3. A site plan documenting the existing and proposed conditions of the site has been submitted as part of this application.
4. Through documentation submitted by the petitioner regarding waste disposal, inventory tracking, security, and other methods of operation of the facility, the provisioning center/retailer 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 and maintaining both a State of Michigan Marijuana License and a City of Ann Arbor 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 marijuana business at this address within three years of the City Planning Commission approval date of this petition.
3. The marijuana provisioning center/marijuana retails sales are accessory to a permitted primary use marijuana business at 2115 South State Street and meet all applicable requirements for accessory and incidental retail uses provided in Chapter 55, Unified Development Code.

And that the Ann Arbor Planning Commission approves the attached Site Plan which demonstrates compliance with the applicable Special Exception Use standards as no development which would otherwise require site plan approval has been proposed.

SUMMARY:

A request for special exception use approval for an accessory marijuana provisioning center/marijuana retailer to a primary marijuana grower in a space at 2115 South State Street. A Site Plan for Special Exception Use is included with the application to demonstrate compliance with the special exception use standards, as no development that would require further site plan approval is proposed.

STAFF RECOMMENDATION:

Staff recommends that the special exception use be **approved with conditions** subject to Planning Commission consideration because, with the proposed conditions, the contemplated 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:

This site is located on the east side of South State Street south of Stimpson Street.

DESCRIPTION OF PETITION:

The applicant seeks special exception use approval for an accessory marijuana provisioning center/marijuana retailer incidental to a primary permitted marijuana grower.

The 1.7-acre site currently contains a 6,500-square foot, one-story building with surface parking in front and back. Slightly more than half of the building is occupied by an automobile repair facility. The remaining 2,160 square feet of building area will be used by a permitted primary marijuana grower, of which 10% or 216 square feet may be used

for incidental retail use. In this case, the incidental retail use is an accessory marijuana provisioning center/marijuana retailer.

The accessory provisioning center/retailer will share secure entrance vestibules, public restrooms, a waiting room and secure storage with the primary grower. One room is devoted solely to the accessory provisioning center/retailer as shown on the floor plans included with the site plan and application.

The driveway to the site was reconstructed as part of the South State Street Reconstruction project in summer 2019 to have conforming width and radius. Proposed improvements to the site include refreshing the parking lot stall stripes with new paint and making barrier free spaces near the front entrance to the marijuana facility, adding landscape islands at the ends of the parking rows, relocating the existing solid waste and recycling enclosure to the rear of the building, removing unused asphalt areas and restoring lawn, and replacing asphalt at the rear of the building with concrete at service doors.

SURROUNDING LAND USES AND ZONING:

	LAND USE	ZONING
NORTH	Commercial/Industrial	TWP (Township)
EAST	Municipal Services	PL (Public Land)
SOUTH	Electrical Contractor	TWP
WEST	Office	O (Office)

SPECIAL EXCEPTION USE STANDARDS:

The Planning Commission, in arriving at its decision relative to any application for a special exception, shall apply the general standards for special exception uses shown on the attached petition and linked [here](#).

In addition, the following information is required to be submitted for provisioning centers and marijuana retailers per 5.16.3.G 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 additional information specific to marijuana facilities is attached to this document as well as linked [here](#).

PLANNING STAFF COMMENTS:

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

- a) Master Plan: (The [City Master Plan](#) includes 8 elements, adopted individually between 2009 and 2017, and together by resolution in 2015.) Together, the City Master Plan elements seek to guide the City towards sustainability, conservation, and increasing livability, affordability, transportation choices, and dense, mixed uses on vibrant, active, friendly streets. The [Land Use Element](#) recommends light industrial uses for this site.
- b) Compatibility with the general vicinity: The use is compatible with other adjacent uses in the general vicinity.
- c) Consistent with the neighborhood and not detrimental: Accessory retail use is compatible with the surrounding neighborhood, which includes light industrial, retail, and office uses. Provisioning centers are proving to be similar to general retail uses in intensity and character.
- d) Parking: The site has enough off-street parking to accommodate the primary use (marijuana grower) and the accessory marijuana provisioning center/marijuana retailer, as well as the other permitted uses in the building.
- e) Pedestrian Safety: Public sidewalks, in good condition, are present in front of this site on South State Street.
- f) Vehicular movement and traffic: The vehicle trips generated by a provisioning center are consistent with general retail uses found in commercial districts.
- g) Natural Features: There are no natural features on this site.

Additional required Marijuana Facility SEU information:

- a) Operations Plan: The referenced operation plan describes the life cycle of product through the facility, storage, deliveries and cash handling.
- b) Safety & Security: 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. The applicant has provided an abbreviated security plan within the operations plan.

- c) Odor Control: Lack of odor control is the most frequent complaint heard by staff about provisioning centers. The applicant has addressed odor control in their operations plan which includes air filtration methods and equipment.
- d) Waste Disposal: The applicant has addressed waste disposal in their operations plan, stating that any marijuana waste will be reported, rendered unusable, and disposed of in a dumpster for landfill disposal.
- e) Hours of Operations: Normal hours of operation are provided in the operation plan. They are proposed to be 10:00am to 9:00pm Monday through Saturday and 10:00am to 6:00pm on Sunday.

Citizen Participation – Type 1 Citizen participation is required for special exception use applications. This type of participation includes a meeting held prior to submitting an application for any residents and property owners within 1000 feet of the site. The applicants held such a meeting on October 2, 2019. Their summary report is part of the project file and is available [here](#).

MAP:

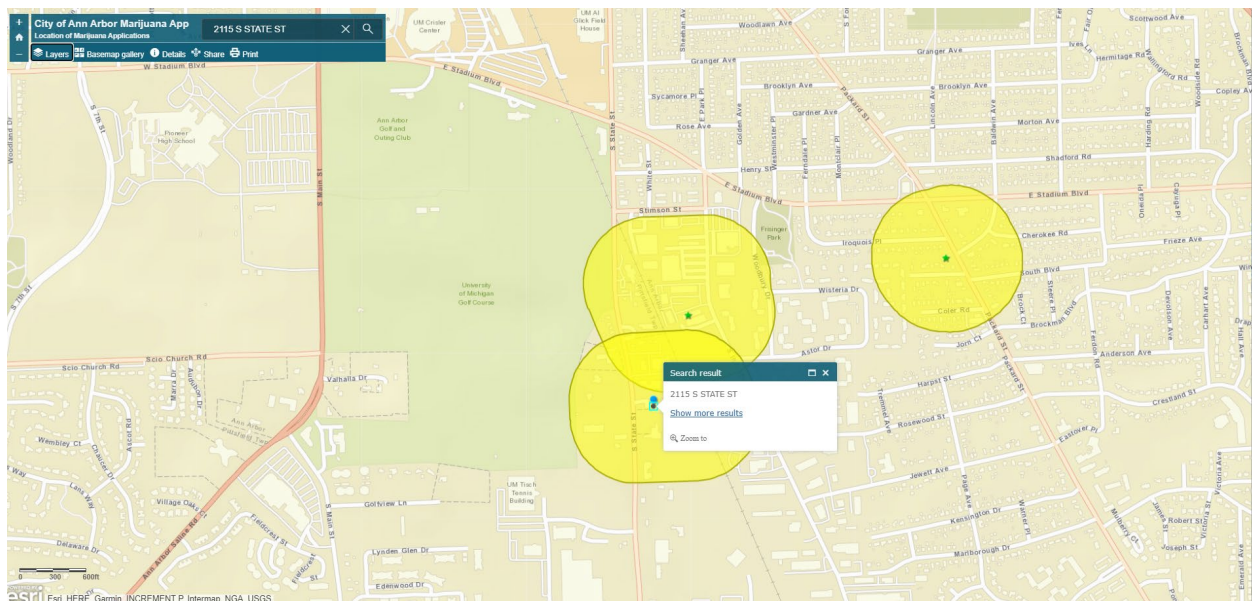


Figure 1: Marijuana Facility Buffer Map

DEPARTMENT COMMENTS:

Development review staff have reviewed the application. None offer any comments regarding the proposed land use.

Prepared by Alexis DiLeo, City Planner

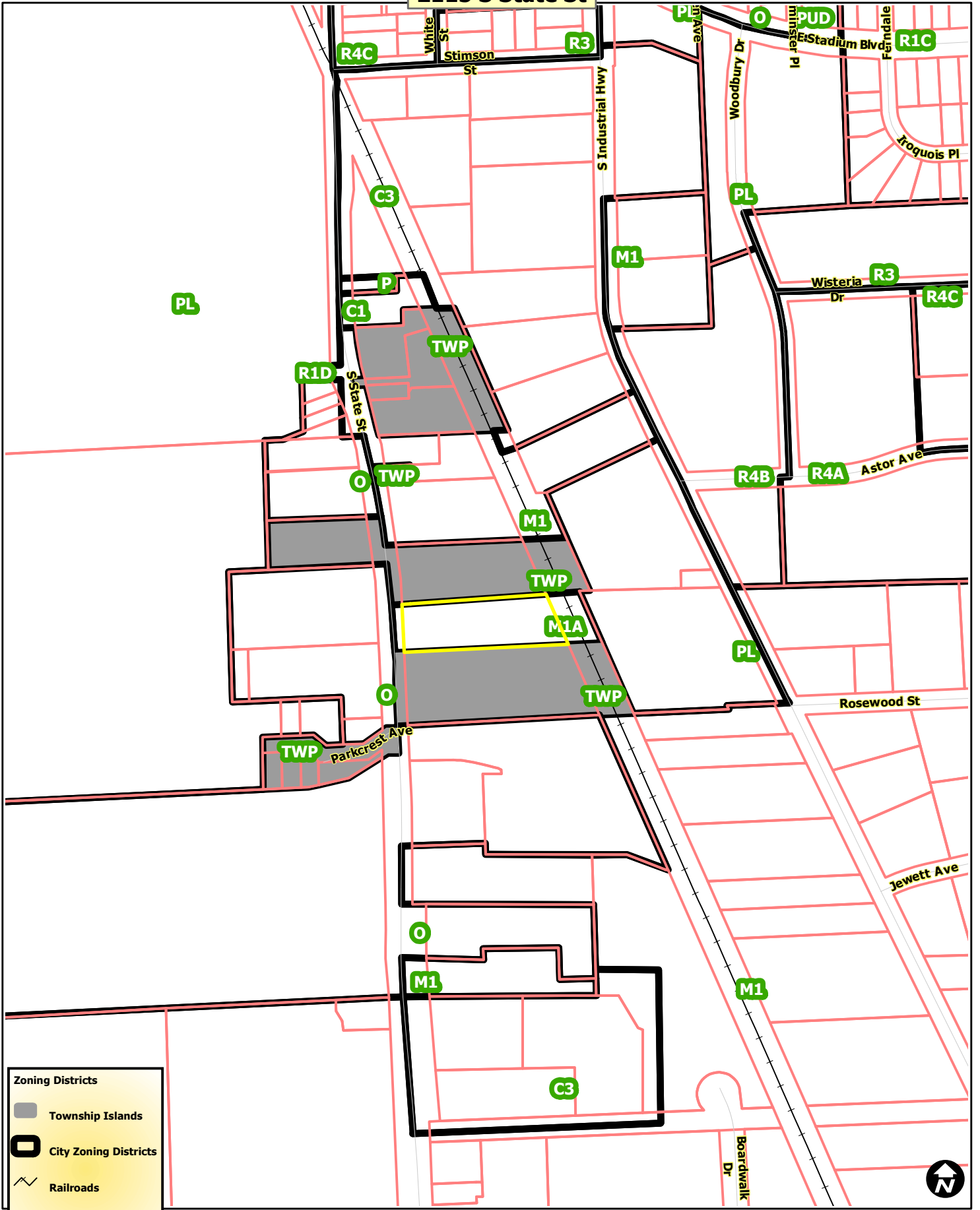
Reviewed by Brett Lenart, Planning Manager

10/28/20

Attachments: Zoning/Parcel Maps
Aerial Photo
Operations Plan
Special Exception Use Petition
Citizen Participation Report
[Site Plan](#) (including Floor Plan)

c: Applicant – Jason Brikho (5680 Branford Dr., West Bloomfield, MI 48322;
jasonbrikho@yahoo.com)
Property Owner – South State Street Holdings, LLC (2280 E. Michigan Ave., Ypsilanti, MI 48198)
Applicant's Agent – Michigan Medical Cannabis Consulting, LLC (Brian Fenech,
m2c2@gmail.com)
Applicant's Agent – Damian Farrell Design Group (Kyle Gonzalez,
kgonzalez@damianfarrelldesigngroup.com)
City Attorney's Office
Systems Planning
File No. SEU18-039

2115 S State St



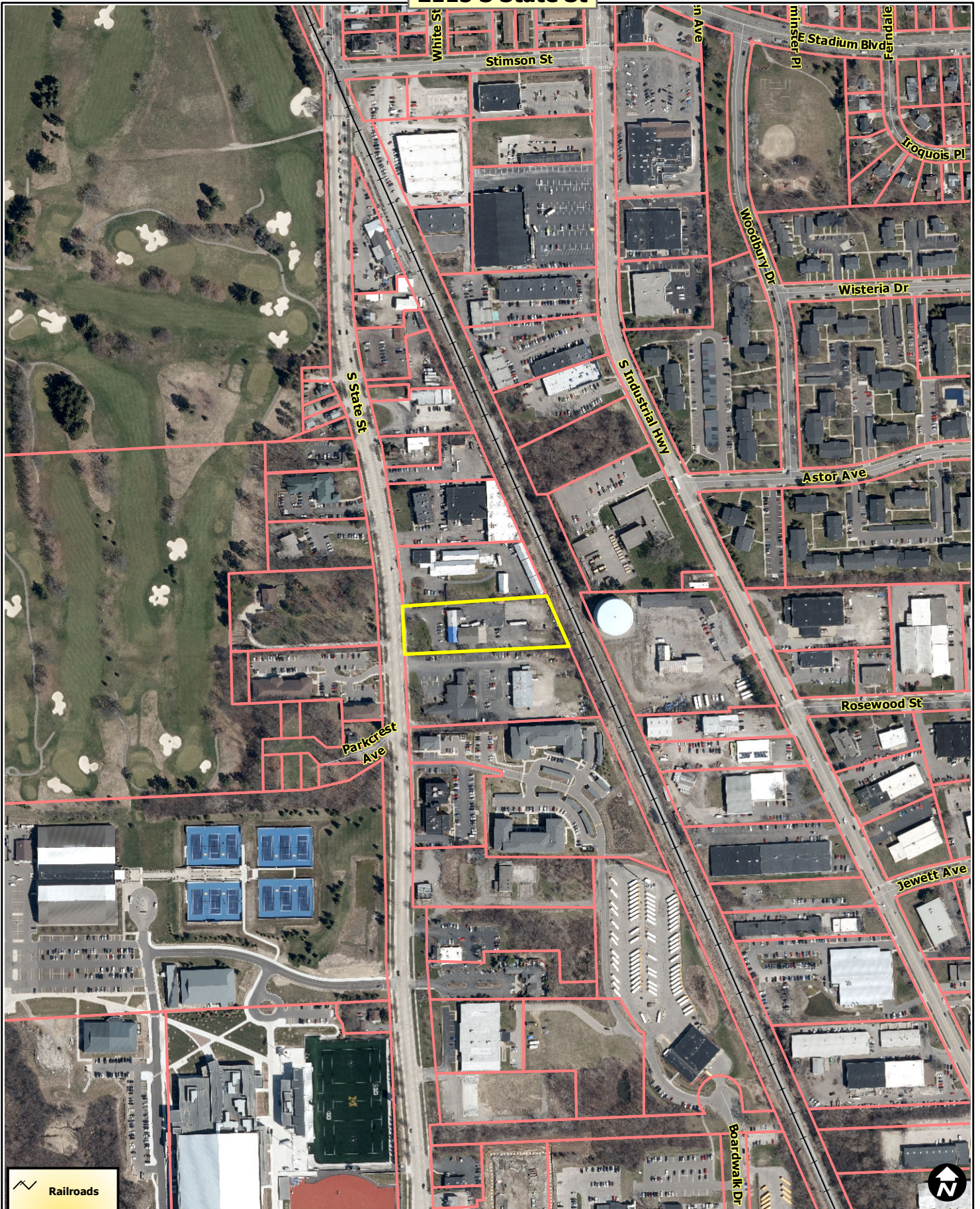
Zoning Districts

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



Map date: 3/10/2020
Any aerial imagery is circa 2018
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 Railroads

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