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To: Matt Kowalski and Brett Lenart, Ann Arbor Planning Department
From: Scott Munzel
Re: Proposed Amendment of Casa Dominick's PUD
Date: January 7, 2021

Green Planet marijuana dispensary and Rich DeVarti request that there be a minor revision in the text of the Casa Dominick's PUD to avoid an unintended result, and to provide improved benefits to the City. While this request is simple in scope, it is somewhat complicated in origin.

DeVarti originally applied for a PUD so that Dominick's restaurant would not be considered "non-conforming," which created some insurance issues for Dominick's. The PUD was approved in 2009, and included conceptual plans, which DeVarti thought he might undertake at some point in the future. DeVarti knew that when he intended to proceed with any changes, he would have to submit more detailed plans including a new site plan.

Section 4.G.1. of the PUD requires that "useless curb cuts" be removed as "part of the first PUD Site Plan approved" within the district. Typically, a site plan would only be submitted when a change to the physical environment is proposed, and as such, removal of any curb cuts at that time is sensible.

When the City adopted ordinances regarding marijuana dispensaries as a special exception use, it required each applicant to submit a site plan. Green Planet submitted its application and included a site plan, even though no physical changes were proposed. But the City concluded that because he had submitted a site plan for the special exception use, this triggered the requirement that the curb cut be removed- even though there was no change in the physical environment whatsoever. Accordingly, Green Planet agreed to remove the curb cut as part of its special exception use, even though the curb cut is not part of Green Planet's operations.

Now, 12 years after PUD approval, DeVarti still has no plans to change the built environment (which would trigger the curb cut removal requirement), and in fact desires to keep the curb cut until such time as he does undertake changes. It provides access to the parking space for his residential tenant, and allows for easier handicapped access to Dominick's restaurant. Nor has the curb cut been a safety issue.

Green Planet proposes that it install a rain garden in its front area as an alternative benefit to the City for the PUD, and has enclosed the conceptual plans for this rain garden. Changing the text of the PUD to require removal of the curb cut at the time of issuance of a building permit within the PUD would still achieve the City's goals regarding the curb cut, but in the meantime provide an alternative benefit in the form of reduced storm water entering the City system.

We look forward to discussing this issue with the Planning Commission.

cc: Mike McCloud