

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of June 6, 2018

SUBJECT: 450 South Main Street Special Exception Use with Site Plan for Planning Commission Approval

File No. SEU18-024

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 450 South Main Street 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 D2 (Downtown Interface) District, which provides for commercial and retail activities as well as office and residential uses.
2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. West Jefferson Street provides adequate access to the site, and the proposed use is consistent with other surrounding uses' traffic impact.
3. 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 and maintaining 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. Submit a License Agreement Application prior to applying for a Zoning Permit and to enter into a License Agreement prior to applying for a Certificate of Occupancy to address the encroachment of the existing building in the public right-of-way.

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.

PETITION HISTORY:

The Planning Commission at its meeting on May 16, 2018 postponed offering a recommendation on this petition to allow additional time to consider the existing conditions of the site, particularly the parking lot that requires backing into the street, and how it impacts vehicle and pedestrian safety.

RESPONSE TO CONCERNS:

The Planning Commission noted that each space on this site's parking lot requires vehicles to cross the public sidewalk to use. This type of configuration is not as safe for the vehicles using the parking lot, the vehicles on the street, or nonmotorized traffic including pedestrians, as a driveway leading to a parking lot. At the request of the Planning Commission, the applicant explored ways to rearrange the configuration of the parking lot and public sidewalk to improve transportation safety.

Engineering and traffic engineering staff concluded that no other configuration using the same space would improve safety. Some changes could be made that may improve safety for one mode but decrease safety for another mode. Overall, safety would not be increased with incremental changes. Only entirely eliminating the existing parking lot would achieve the hoped for level of transportation safety improvement.

Trip Generation Data – The applicant has provided more trip generation data specific to marijuana dispensaries for the Planning Commission to consider. From the 10th edition trip generation manual of the Institute of Transportation Engineers, a 280-square foot provisioning area in a general urban/suburban location is expected to have 7 total AM peak hour trips and 9 total PM peak hour trips. For comparison, office use generates 18 total AM peak hour trips and 28 total PM peak hour trips.

Crash and road [data report](#) at the Main/Jefferson intersection, including within 250 feet of the intersection, from SEMCOG for the four-year period of 2012-2016 was also provided by the applicant. No incidents involving pedestrians were recorded. Three vehicle incidents were recorded, two rear end crashes and one sideswipe same crash. All three crashes were resulted in property damage only, no injuries of any kind.

STAFF COMMENTS:

Planning – Considering the lack of viable options to avoid backing out of the parking lot directly onto the street, other than completely eliminating the parking lot; that the proposed use is one tenant in a multiple-tenant building; that other primary uses allowed in the D2 district are predicted to generate significantly higher numbers of trips (general and medical offices); that crash data suggest that the current situation is acceptable; and staff's experience with the businesses, customers, and visitors of downtown Ann Arbor; staff believe the proposed provisioning center will not have an adverse impact on traffic, pedestrians, bicyclists, circulation or road intersections. Staff continues to recommend approval based on the findings outlined in the proposed motion at the beginning of this report.

Prepared by Alexis DiLeo, City Planner
Reviewed by Brett Lenart, Planning Manager
5/31/18

Attachments: [May 16, 2018 Planning Staff Report](#)

c: Petitioner – The Rabbit Club (Patrick Bellard)
Property Owner – 444 South Main, LLC
City Attorney's Office
Systems Planning
File No. SEU18-024