

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of December 18, 2018

**SUBJECT: 3935 Research Park Drive Special Exception Use
File No. SEU18-037**

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 (Ann Arbor Unified Development Code), Section 5.29.5 (Special Exception Use) and Section 5.16.3.G (Medical Marijuana Facility), and therefore approves the 3935 Research Park Drive Special Exception Use for a Medical Marijuana Growing and Processing Facility. This approval is based on the following findings:

1. The proposed use will be consistent with the RE Research District, which is intended for research facilities to serve the needs of commerce, industry, business, and education. The low intensity district specifies the absence of nuisance factors such as excess noise, heat, or glare, air pollution or waste water production.
2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. Research Park Drive provides 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 medical marijuana facility 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. The petitioner will install all improvements shown on the accompanying site plan before any certificate of occupancy will be issued.

4. The special exception use may occupy no more than 13,234 square feet of the entire building.
5. The petitioner will maintain operating hours within 9:00 am to 9:00 pm Monday thru Sunday.

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 northeast side of Research Park Drive, north of West Ellsworth Road, and is in the Malletts Creek subwatershed, and Ward 4.

DESCRIPTION OF PETITION

The petitioner seeks special exception use approval to operate a medical marijuana growing and processing facility in an existing building zoned RE Research District. Per the Unified Development Code, Chapter 55, RE zoning allows medical marijuana growing and processing with special exception use approval.

This 131,075 square foot (3.0 acre) site contains a 16,940 square foot building. The growing and processing use is proposed in 13,234 square feet of the building (Suite B and C). The remaining 3,796 square feet will continue as a separate, unconnected office suite. There is no existing bicycle parking; one class A space inside the office suite vestibule, and six class B spaces along the north wall under an awning are proposed. An existing parking lot is proposed to be reduced from 34 to 32 spaces, with two new van accessible spaces and two electric vehicle charging spaces. A new trash enclosure is located in the parking lot. No other changes to the site are proposed by the petitioner.

PLANNING BACKGROUND

The RE Research District encourages research uses, and has special standards, including that there shall be no production of heat, glare, dust, vibration, light, or odor discernible at the lot lines. Medical marijuana growing and processing are allowed as a Special Exception Use in the District. The site is more than 1,000 feet from any K-12 school. A school that was formerly located on Research Park Drive is now closed, in addition to being more than 1,000 feet from this 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 growing and processing facilities per 5:16.3.G.7 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 found in the [Special Exception Use Petition Application](#) and in [Attachment B – Statements](#).

PLANNING STAFF COMMENTS

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

Master Plan: The *Master Plan Land Use Element* recommends a future land use of *Research and Industrial* for this site in the South Area.

Compatibility with the general vicinity: The site is in Research Park, which contains a ring road. Generally, the properties on the outside of the ring road circle are zoned RE Research. Properties on the inside of the circle are zoned ORL Office/Research/Limited Industrial District. Medical marijuana growing and processing is allowed as a special exception use in both of these zoning districts. The surrounding business include laboratory, research, imaging, technology, general office, and other uses.

Consistent with the neighborhood and not detrimental: Planning staff believes the intensity and character of the business is compatible with the block and surroundings. The site has a 10'

masonry and chain link fence enclosing the entire building and parking lot, backs up to the railroad tracks, and will be a self-contained business with ample open space surrounding it and between other businesses.

Parking: Existing parking exceeds current standards. One space is proposed to be removed, to offset the paving required by the dumpster pad. Two van accessible spaces will be added.

Pedestrian Safety: A new sidewalk in the public right of way is proposed for the entire frontage of the property.

Vehicular movement and traffic: Adequate drive aisles and a driveway opening onto Research Park Drive will remain.

Natural Features: Two landmark honey locus trees are located in the required front setback along Research Park Drive will remain.

Facility Type: This special exception use petition is for a medical marijuana growing and processing only. No provisioning center or other marijuana facility is proposed. RE districts are limited to two marijuana facilities per site. As proposed, the amount of space in the building dedicated to marijuana facilities may be used for growing, processing, or both uses.

Citizen Participation – A Citizen Participation Report is attached. A question was raised about why there were no attendees at the Citizen Participation Meeting, so the petitioner's agent provided an affidavit that they mailed out the required post cards. Copies of the returned postcards that could not be delivered were also provided. Staff has received two letters of concern from surrounding businesses at the time this staff report was written. Those letters are provided in the packet.

Additional required Medical Marijuana SEU information:

Operations Plan: The referenced operation statement describes management, plant lifecycle tracking, harvesting, handling, testing, and transporting.

Safety & 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 marijuana facilities' security plans since our documents are all public, unlike the state license permit application which is not. The applicant has provided a security plan that describes perimeter fencing, lighting, surveillance, access control, alarms, storage of product and currency, and product destruction.

Odor Control: The applicant states that commercial grade HEPA air filtration systems with charcoal filter will be used, and that all product will be stored in airtight containers.

Waste Disposal: The applicant states that general trash pickup will occur three times per week, and that marijuana waste will be stored securely indoors and disposed of off-site for composting.

Hours of Operations: Normal hours of operation will be 9:00 am to 9:00 pm Monday thru Sunday.

DEPARTMENT COMMENTS

None.

Prepared by Jill Thacher

Reviewed by Brett D. Lenart

Attachments: Zoning/Parcel Maps
Aerial Photo

eTrakit Links: [SEU Petition Application](#)
[Attachment B Statements](#)
[Site Plan set](#)
[Citizen Participation Report](#)

c: Petitioner: Scientific Method Research II LLC/
Scientific Method Technology LLC
339 East Liberty Street, Suite 220
Ann Arbor, MI 48104

Petitioner's Agent: Kyle Gonzalez
Damian Farrell Design Group PLLC
359 Metty Drive, Suite 4A
Ann Arbor, MI 48103

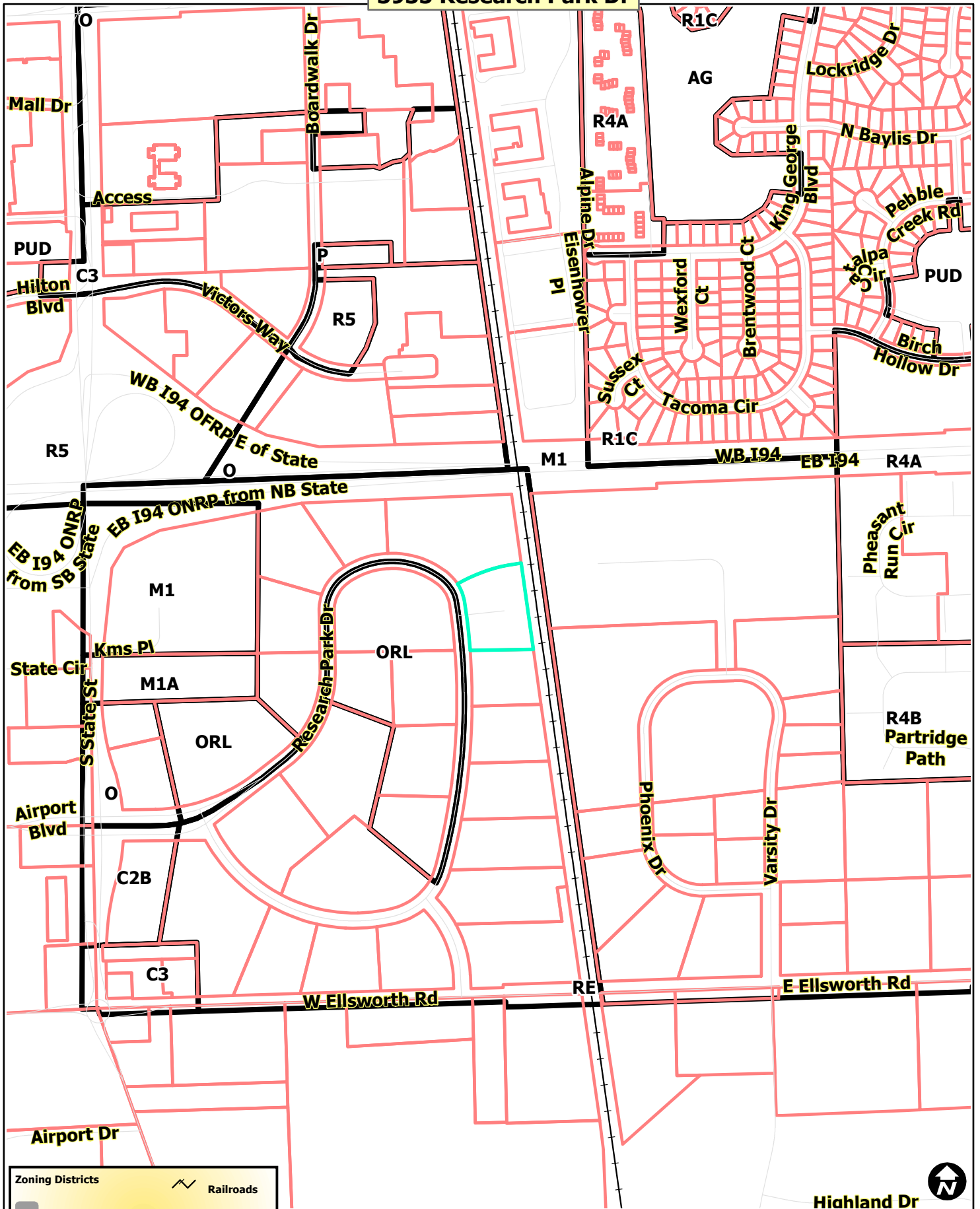
Property Owner: HRIM LLC
3935 Research Park Drive
Ann aRbor, MI 48108

City Attorney's Office
Systems Planning
File No. SEU18-037

3935 Research Park Drive, August 2017 (google)



3935 Research Park Dr



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



Map date 2/7/2018
 Any aerial imagery is circa 2015 unless otherwise noted
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3935 Research Park Dr

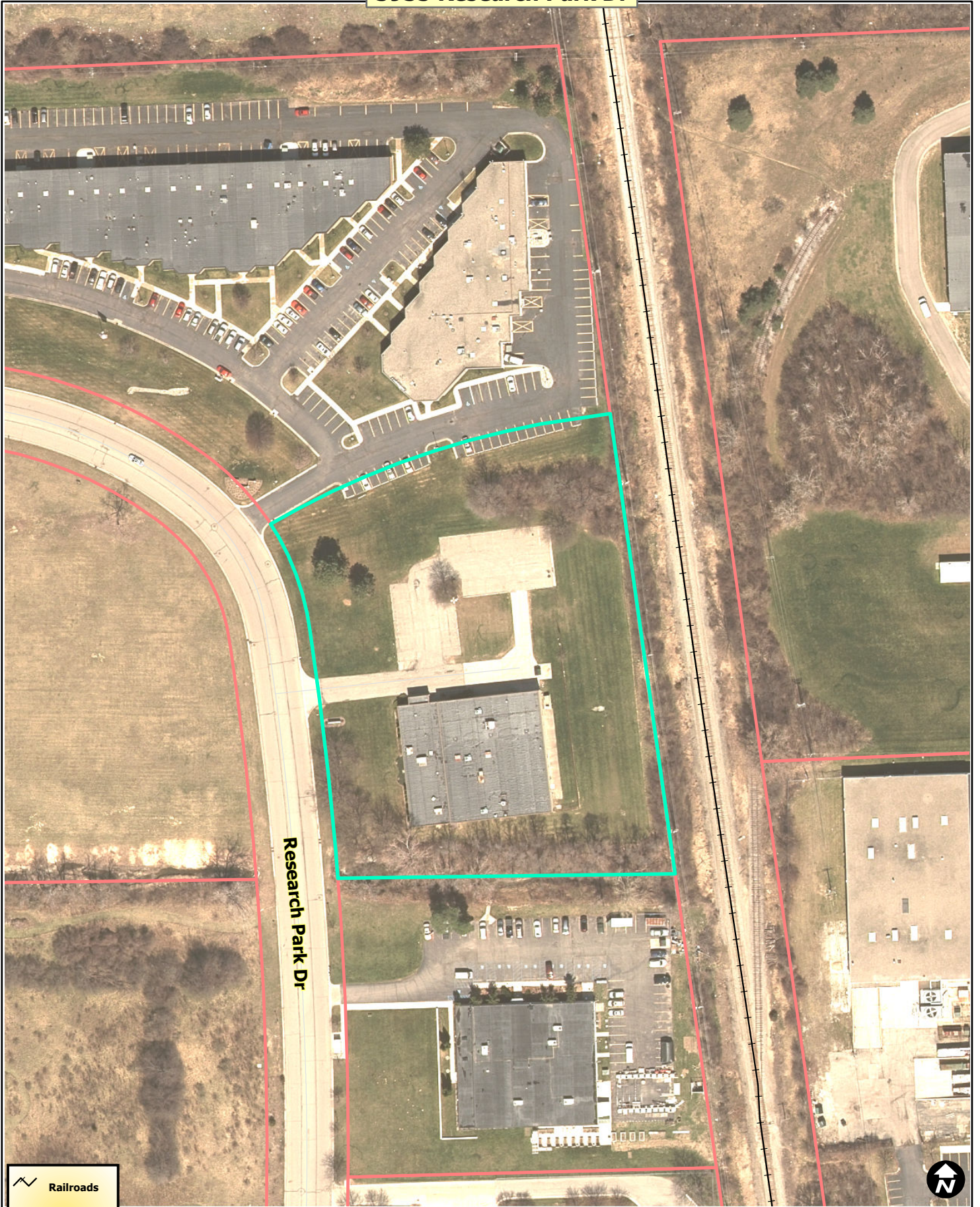


- Railroads
- Huron River
- Tax Parcels



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