

**PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of September 5, 2018**

**SUBJECT: 3720 Washtenaw Avenue Site Plan Approval for Planning Commission and Special Exception Use**

**File Nos. SP18-032 and SEU18-035**

**PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby approves the 3720 Washtenaw Site Plan for Planning Commission subject to the petitioner recording a utility easement as shown on the approved site plan.

**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 to substantially meet the standards in the Unified Development Code (Chapter 55), Section 5.29.5 (Special Exceptions) and Section 5:16.3G (Medical Marijuana Facility), and therefore approves the 3720 Washtenaw Avenue 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 C3 (Fringe Commercial) District, which allows for commercial, office and residential uses.
2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. Washtenaw Avenue and Yost Boulevard provide access to the site, and the proposed use is consistent with other surrounding uses.
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. The special exception use may only occupy the existing 833 square foot building at 3720 Washtenaw Avenue.
4. Approval of the Special Exception Use is subject to the petitioner providing site improvements as shown on the site plan including removal of gasoline pumps and canopy, closing a curb cut on Washtenaw Avenue, providing new bicycle parking, a utility easement, new dumpster screen, new landscaping, and new parking spaces including a barrier free parking space.
5. Hours of operation will be limited to Monday-Sunday: 9am to 8pm.

And that the Ann Arbor Planning Commission approves the Site Plan which demonstrates compliance with the applicable Special Exception Use standards.

### STAFF RECOMMENDATION

Staff recommends that the site plan be **approved** because it complies with all the applicable local, state, and federal laws, ordinances, standards, and regulations; the development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land; would not cause a public or private nuisance; and would not have a detrimental effect on public health, safety, or welfare subject to the petitioner recording a utility easement as shown on the approved site plan.

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

This site is located on the south side of Washtenaw Avenue, east of Yost Boulevard. South Planning Area. Ward 3.

### DESCRIPTION OF PETITION

The petitioner seeks special exception use approval to operate a medical marijuana provisioning center in an existing building zoned C3 (Fringe Commercial). The C3 district allows commercial, office, and residential uses.

The 833 square foot building was constructed as part of a gas station. The proposed tenant space is currently being used as a retail component of a gas station.

### SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Commercial	C3
EAST	Commercial	C3
SOUTH	Hotel	C3
WEST	Commercial	C3

### COMPARISON CHART

		EXISTING	PROPOSED*	REQUIRED
Zoning		C3 (Multiple Family)	C3 (Multiple Family)	C3 (Multiple Family)
Gross Lot Area		.34 acres (15,000 sq/ft)	.34 acres	6,000 sq/ft MIN
Setbacks	Front (North)	74.9 ft	74.9 ft	10 ft MIN
	Front (West)	53 ft	53 ft	25 ft MAX
	Side (East)	52.75 ft	23.5 ft (North) 50 ft (South)	NONE
	Rear (South)	5 ft	5 ft	NONE
Height		10.5 ft	10.5 ft	55 ft MAX
Parking - Automobiles		4 spaces	4 spaces	4 spaces MIN 4 spaces MAX
Parking - Bicycles		0 spaces	1 space - Class B 1 space - Class C	1 spaces - Class B

## HISTORY AND PLANNING BACKGROUND

Records indicate that the building was constructed in the 1987.

## 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 to this document as well as linked.

## 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 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 toward sustainability, conservation, increasing livability, affordability, transportation choices, and dense, mixed uses on vibrant, active, friendly streets. There is no site specific recommendation in the [Land Use Element](#) for this site.

Compatibility with the general vicinity: As a retail use, a medical marijuana provisioning center is generally compatible with the retail, office, and residential uses in the surrounding blocks.

Consistent with the neighborhood and not detrimental: The intensity and character of the provisioning center is compatible with the existing business on the site. The provisioning center is being proposed in an established commercial center. Although complaints have been received about the increasing number of proposed provisioning centers in general, to date, nor formal complaints have been made on this particular site.

Parking: The minimum number of parking spaces required is 4; maximum is 4. The petitioner has shown 4 new parking spaces on site including a van accessible barrier free space. One bicycle parking space is required for this project. None currently exist. One Class B spaces and one Class C space will be provided.

Pedestrian Safety: Public sidewalks, are present along Washtenaw Avenue and Yost Boulevard, as well as all surrounding blocks. The petitioner is proposing to replace a number of flags of sidewalk along Yost Boulevard. The petitioner is proposing to remove one of two curb cuts along Washtenaw. A bus stop is located west of the west of the site.

Underground Storage Tanks: There are currently three underground storage tanks that will be removed from the ground per DEQ specifications as part of this project.

Vehicular movement and traffic: The vehicle trips generated by a provisioning center are consistent with general retail uses found in commercial districts. This provisioning center will have a neutral affect on vehicular movements and traffic patterns in the area.

Natural Features: One 16 inch Honeylocust tree in the southwest corner is the only regulated natural feature on the site. The tree is proposed to remain. Additional landscaping will be provide along the north side of the site to replace the removed curb cut and meet right-of-way screening requirements. A below-grade swirl concentrator will be installed in the northeast corner of the site to improve stormwater management.

*Additional required Medical Marijuana SEU information:*

Operations Plan: The referenced operation plan describes the how to run the sales software to be used by the provisioning center.

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 provisioning centers' security plan since our documents are all public, unlike the state license permit application which is not. The applicant has provided a security plan that describes the physical security, employee and contractor vetting, alarm and surveillance systems, and inventory storage.

Odor Control: Lack of odor control is the most frequent complaint heard by staff about provisioning centers. The applicant has provided a statement about how odor mitigation will be achieved by creating an enclosed loop ventilation system and carbon air filters.

Waste Disposal: The applicant has provided a statement that all marijuana waste will be separated from general waste, rendered into an unusable and unrecognizable form, tracked, and disposed properly.

Hours of Operations: Normal hours of operation will be 9:00am to 9:00pm Monday-Saturday; 10am to 6pm on Sunday.

## DEPARTMENT COMMENTS

All relevant staff have reviewed the application, none offered any comments.

Prepared by Jeff Kahan, City Planner  
Reviewed by Brett Lenart, Planning Manager

Attachments: [Zoning/Parcel Maps](#)  
[Aerial Photo](#)  
[SEU Petition](#)  
[Business Plan \(Security, Operations, Odor, Waste, Hours\)](#)  
[Site Plan and Floor Plan](#)  
[Provisioning Center/School Locator Map](#)

c: Petitioner – Seth Tomkins, Ann Arbor Healing, LLC  
Property Owner – Armada Oil and Gas Co  
Petitioner's Agent – Midwestern Consulting, Inc.  
City Attorney's Office  
Systems Planning  
File Nos. SEU18-035; SP18-032