

## **PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of July 17, 2018**

**SUBJECT: 1115 Broadway Special Exception Use and Site Plan (1115 Broadway)  
File No. SEU18-016**

### **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 1115 Broadway 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 C1 Local Business District, which provides for commercial activities including retail establishments, offices, and personal services.
2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. Packard Road 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 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 petitioner will remove the Plymouth curb cut and restore the right-of-way according to City Standards.
4. The petitioner will install four Class C and two Class B bicycle parking spaces as shown on sheet c1.0 the parking spaces must be installed by August 30, 2018.

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 in between Broadway and Plymouth at the intersection of Maiden Lane, is in the Traver Creek subwatershed, and Ward 1.

### **UPDATE**

This petition was postponed at the April 17<sup>th</sup> Planning Commission meeting in order for the petitioner to complete revisions to the site plan and address Planning Commission concerns noted with the accessible ramp located on the front of the building and lack of sidewalk along Plymouth Road.

### **DESCRIPTION OF PETITION**

The petitioner seeks special exception use approval to operate a medical marijuana provisioning center in an existing building zoned C1 Local Business District. Per the Zoning Ordinance, Chapter 55, C1 zoning allows medical marijuana provisioning centers with special exception use approval.

The 6,229 square foot site contains a 4,030 square foot, two-story retail building constructed in approximately 1901. The provisioning center is the only building on the site. There are currently 13 vehicle parking spaces on the site. Ten of the vehicle parking spaces are located in the existing parking lot. Two vehicle spaces are located behind the building and accessed through the adjacent property. The parking spaces are on the petitioner's property but can only be accessed through the driveway on the adjacent property to the north. These spaces behind the building are proposed to be deferred and not used unless needed. The petitioner does have a recorded access easement to maintain access to these spaces. There is one parking space located adjacent to the sidewalk at the northeast corner of the site. This space will be removed due to safety concerns for pedestrians utilizing the sidewalk. In addition to removing one parking space, the petitioner is proposing to remove excess pavement along the parking lot edges for a total impervious surface removal of approximately 700 square feet.

The site currently has two curb cuts, one leading to Broadway and one leading to Plymouth Road. The drive to Plymouth Road has been previously blocked by the petitioner for safety and will now be permanently removed and the area restored according to City Standards.

The petitioner will be adding two Class B and four Class C bicycle parking space. The petitioner will remove the existing metal ADA ramp at the front of the bulding and will replace it with a more permanent structural concrete ramp with brick and flower planting boxes.

No other changes to the site are proposed by the petitioner

### **PLANNING BACKGROUND**

The C1 Local Business District encourages a variety of uses. Medical Marijuana Provisioning Centers are a Special Exception Use in the District. The site is more than 600 feet from any other provisioning center, and more than 1000 feet from any K-12 school.

The *Master Plan Land Use Element* recommends a future land use of *commercial* for this site and for surrounding parcels along Broadway.

### **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, and additional information may be found in the complete project application package in Trakit at [www.a2gov.org/permits](http://www.a2gov.org/permits).

### **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 recommends commercial uses for this location, with which the proposed use is consistent.

Compatibility with the general vicinity: There are commercial uses immediately adjacent and along the Broadway/Plymouth intersection. The building was originally constructed as a church, but has been in commercial use for at least 20 years and is not unlike the other retail businesses along Packard Road. Directly across Broadway is the recently approved 1140

Broadway development. This is a large mixed use project with a retail component directly across the street from this location. To the south across Maiden Lane is a towing and auto repair facility.

Consistent with the neighborhood and not detrimental: The intensity and character of the business are compatible with this commercial development. Petitioner will be removing a curb cut and excess impervious surface, replacing the accessibility ramp and adding bicycle parking which represents an improvement to the site and neighborhood.

Parking: The current site plan shows 12 parking spaces, including one barrier-free space. According to City Code there are 13 parking spaces required based on the use. While the plan is one parking space deficient, there are currently 36 parking spaces located within the Broadway Street public right of way. These spaces are available for the general public use. The site plan specifies two class B and four class C bicycle parking spaces. These must be reinstalled as specified on the site plan by August 30, 2018 as a condition of the SEU approval.

Pedestrian Safety: Public sidewalks, in good condition, are present along Broadway. There is an interior sidewalk connection to the public sidewalk. A sidewalk will be installed along Plymouth Road as part of the site plan approval for the 1140 Broadway development.

Vehicular movement and traffic: The vehicle trips generated by a provisioning center are consistent with general retail uses found in C1 district, and surrounding land uses. There are currently two curb cuts to the site, one from Plymouth and one from Broadway. The curb cut from Plymouth has been blocked off for at least 5 years due to the proximity to the Maiden Lane/Plymouth/Broadway intersection. The petitioner will completely remove this curb cut and restore the right-of-way to City Standards. The City's Traffic Engineer has reviewed and approved the curb cut closure. This site has good access to and from Broadway.

Natural Features: No natural features exist on the site.

*Additional required Medical Marijuana SEU information:*

Operations Plan: The referenced operation plan describes patient workflow, employee workflow, storage and deliveries, packaging and product tracking, cash handling, staffing hiring and training, and opening and closing.

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 an abbreviated security plan that describes an alarm and surveillance system, facility security, and policies and training to prevent or mitigate any breaches.

Odor Control: Lack of odor control is the most frequent complaint heard by staff about provisioning centers. The applicant has stated that the entire building is equipped with four constant, continuously running HEPA filters to control and eliminate all odors from leaving the building.

Waste Disposal: The applicant has stated that typical waste will be recycled or disposed into

standard carts provided by the City, stored in a screened enclosure at the rear of the site. Any marijuana waste will be made into an unusable form, tracked, and disposed of securely.

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

**DEPARTMENT COMMENTS:**

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

Prepared by Matt Kowalski

Attachments:   Zoning/Parcel Maps  
                  Aerial Photo  
                  [SEU Petition Application](#)  
                  [SEU Application Attachments](#)  
                  Provisioning Center/School Locator Map  
                  [Site/Landscape Plans](#)  
                  [Floor Plan](#)

c:   Petitioner:       Drew Hutton  
                          Scientific Method Holdings II, Inc  
                          339 East Liberty Street, Suite 220  
                          Ann Arbor, MI 48104

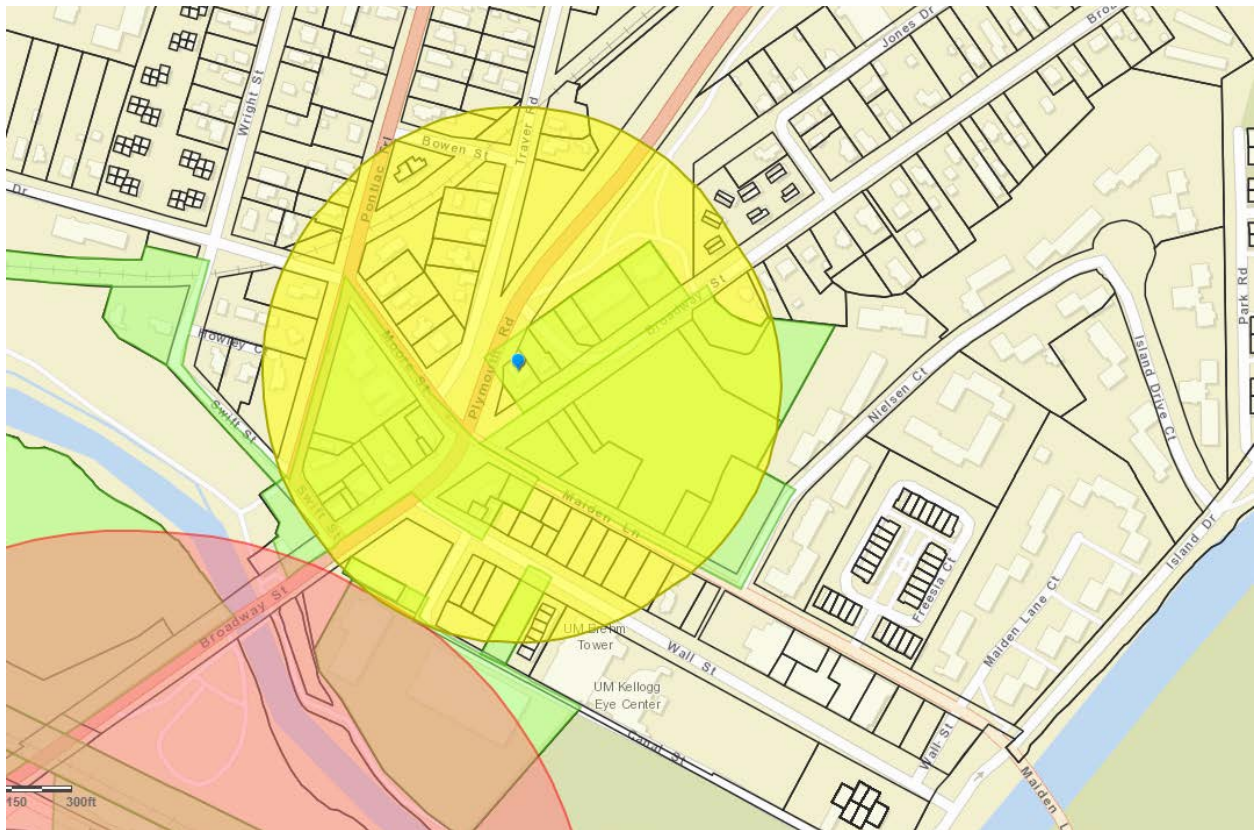
                  Petitioner's Agent:       Brian Fenech  
  PO Box 2088  
  Ann Arbor, MI 48106

City Attorney's Office  
Systems Planning  
File No. SEU18-016

Front of 1115 Broadway, August 2017 (google)

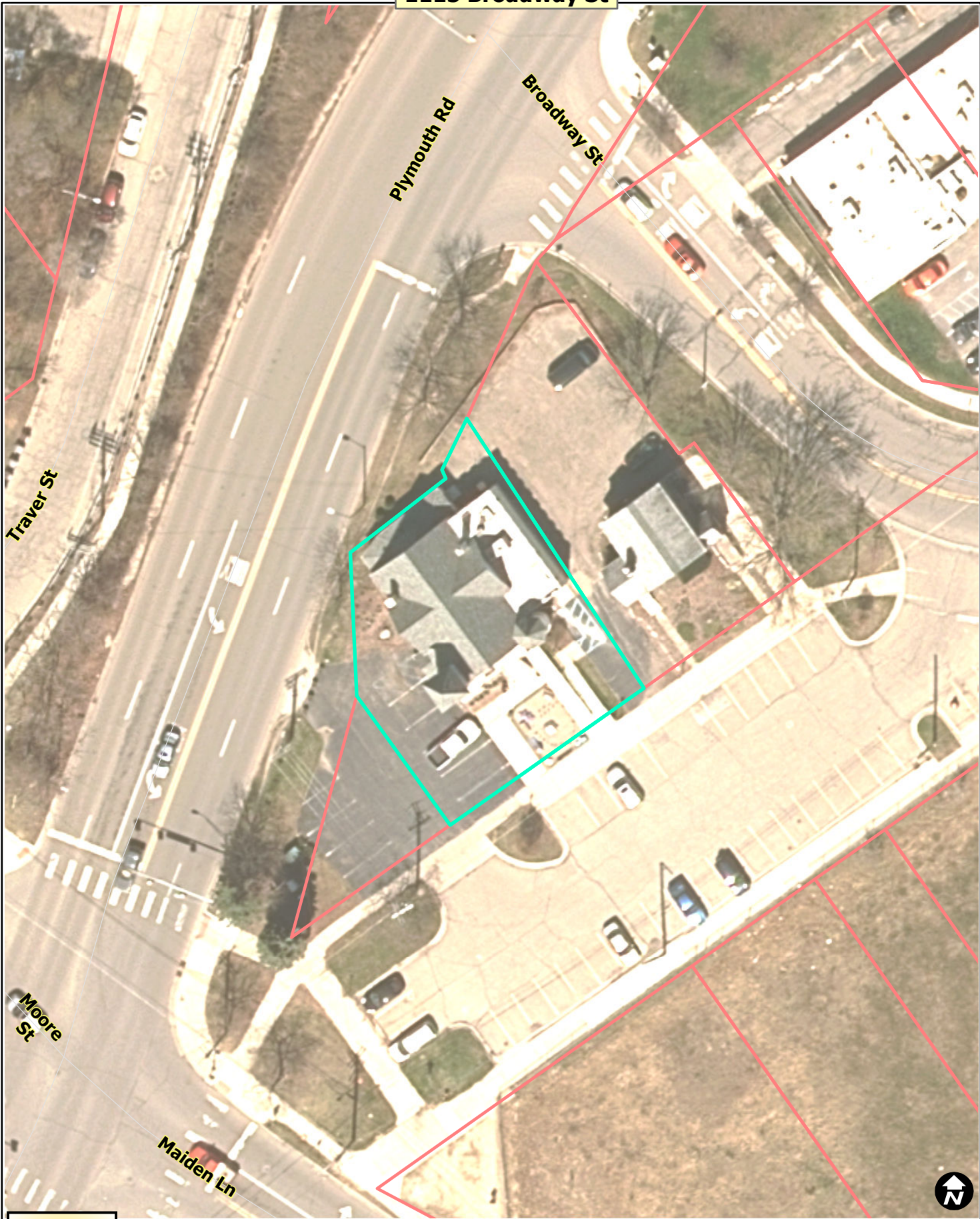




Medical Marijuana Facilities Map



- 600 foot buffer from provisioning center
- 1,000 foot buffer from public school
- Allows provisioning centers

1115 Broadway St

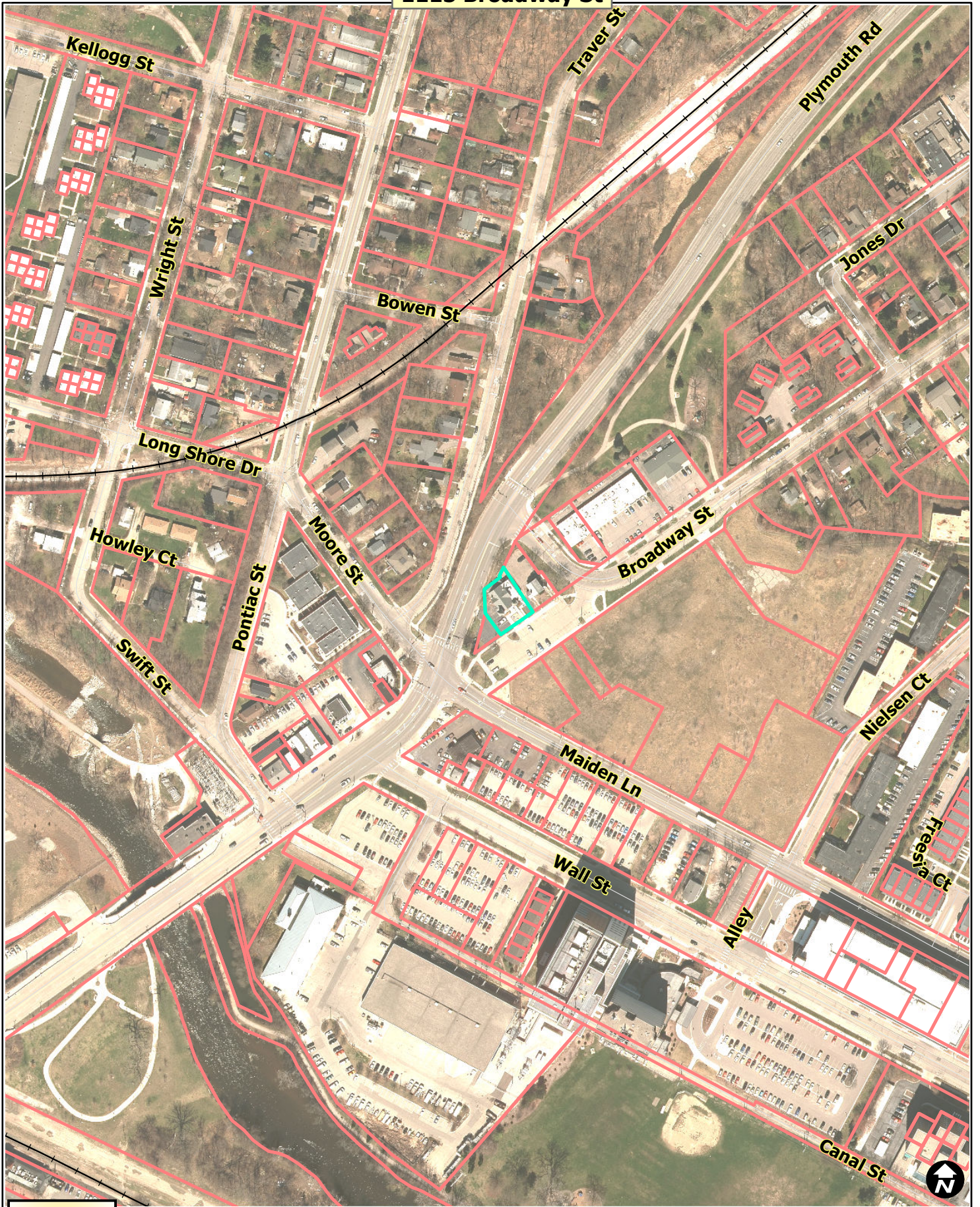




 Railroads  
 Tax Parcels



Map date 2/7/2018  
Any aerial imagery is circa 2015  
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**1115 Broadway St**



 Railroads  
 Tax Parcels

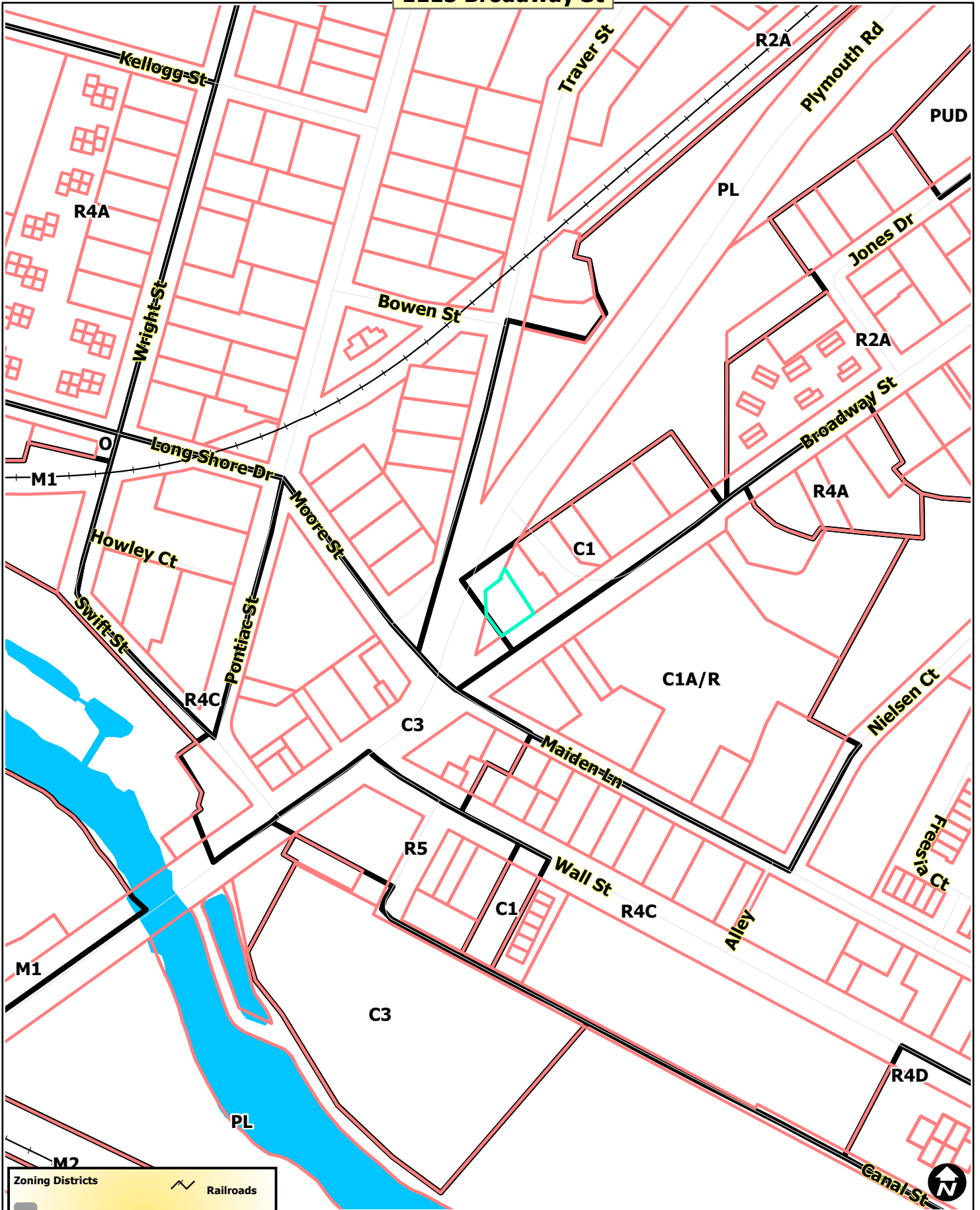


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**1115 Broadway St**



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



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