

## PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of June 19, 2018

**SUBJECT: Pure Roots Provisioning Center Special Exception Use and Site Plan (3430 Washtenaw Ave.)  
File No. SEU18-025**

### **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 3430 Washtenaw 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 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. Washtenaw Ave. 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 stripe all parking spaces on the site according to the site plan sheet SP1.0.
4. The petitioner will install two Class C bicycle parking hoops as shown on sheet c1.0 The parking spaces must be installed by August 31, 2018.

5. The special exception use may occupy no more than 3,500 square feet of the entire building.
6. The petitioner will maintain the operating hours of 9:00 am to 8:00 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 south side of Washtenaw Avenue, west of Pittsfield Blvd and is in the Malletts Creek subwatershed, 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 District. Per the Zoning Ordinance, Chapter 55, C3 zoning allows medical marijuana provisioning centers with special exception use approval.

The 14,810 square foot site contains a 6,872 square foot, one-story retail building constructed in approximately 1957. The provisioning center proposes to use half the building totaling 3,440 square feet. The rear parking area will be restriped for 10 parking spaces with a screened dumpster relocated in the parking lot. Three additional parking spaces are located in the front of the building along public parking spaces provided along the Washtenaw Avenue public right-of-way. Two Class C hoops near the building entrance are also proposed. No other changes to the site are proposed by the petitioner.

### **PLANNING BACKGROUND**

The C3 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 adjacent parcels along Washtenaw Avenue.

### **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 residential uses immediately south of the property. Adjacent to this site are additional retail businesses. The site has been in commercial uses for at least 60 years and is not unlike the other retail businesses along Washtenaw Ave.

Consistent with the neighborhood and not detrimental: The intensity and character of the business are compatible with this commercial development.

Parking: The site currently has undefined parking located at the rear of the site. A total of 13 parking spaces, 3 at the front of the building and 10 located behind the building are proposed. A minimum of 22 spaces are required and staff determined additional spaces are not required as the square footage of the business remains the same and the previous uses at this location were commercial in nature. Additional shared parking spaces are located in the public right-of-way along Washtenaw Avenue. The site plan specifies two class C bicycle parking hoops near the building front entrance. These must be installed as specified on the site plan by August 31, 2018 as a condition of the SEU approval.

Pedestrian Safety: Private sidewalks, in good condition, are present in front of this strip commercial center. There is not public sidewalk along the southern side of Washtenaw Ave.

Vehicular movement and traffic: The vehicle trips generated by a provisioning center are consistent with general retail uses found in C3 district, and surrounding land uses. This site has good access to and from Washtenaw Ave.

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 8:00pm, Monday through Sunday.

### **DEPARTMENT COMMENTS:**

Planning – This site is located adjacent to a residential neighborhood to the south and several concerns regarding odor, building condition, and lighting were mentioned. The petitioner invited neighbors within 500 feet of this site to discuss their concerns at a meeting. The outcome of this meeting is attached.

Prepared by Chris Cheng

Attachments: [Zoning/Parcel Maps](#)  
[Aerial Photo](#)  
[SEU Petition Application](#)  
[SEU Application Attachments](#)  
[Site/Landscape Plans as necessary](#)  
[Floor Plan](#)  
[May 4<sup>th</sup> Neighborhood Meeting Notes](#)

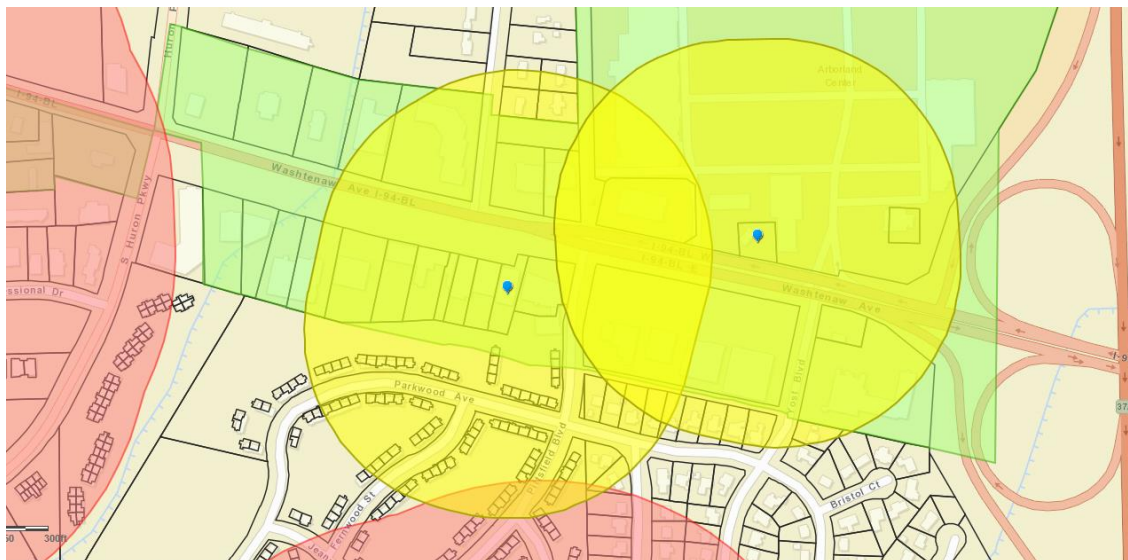
3430 Washtenaw Special Exception Use  
Page 5

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City Attorney's Office  
Systems Planning  
File No. SEU18-025

Front of 3430 Washtenaw Ave., August 2017 (google)



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