

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

**For Planning Commission Meeting of February 18, 2021**

**SUBJECT: 2394 Winewood Street Special Exception Use with Site Plan for Planning Commission Approval**

**File No. SEU20-008**

### **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 Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions) and Section 5:50.1 (Regulations Concerning Medical Use of Marijuana), and therefore approves the 2394 Winewood Street Special Exception Use for a marijuana microbusiness. This approval is based on the following findings:

1. The proposed use will be consistent with the M1 (Limited Industrial) District, which allows for industrial, limited retail, and office uses.
2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. South Maple Street and Winewood Street 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 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 marijuana microbusiness business at this address within three years of the City Planning Commission approval date of this petition.

3. The petitioner ceasing operation of a marijuana provisioning center and/or marijuana retailer at this location, and satisfactory acknowledgement, as the City's sole determination of adequacy.
4. The special exception use may only occupy 2394 Winewood Street.
- 5.
6. Approval of the Special Exception Use is subject to the petitioner maintaining site improvements as shown on the site plan including new bicycle parking, relocated barrier free parking space, and providing a barrier free sidewalk to a building entrance.
7. Approval of the Special Exception Use is subject to the petitioner installing on-site solar panels that will provide a minimum of 10% of the facility's energy usage prior to the issuance of the final Certificate of Occupancy.

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**

This site is located at the northwest corner of South Maple and Winewood Streets. West Planning Area. Ward 5.

### **DESCRIPTION OF PETITION**

The petitioner seeks special exception use approval to operate a marijuana microbusiness which includes growing, processing, and provisioning center in an

existing building zoned M1 (Limited Industrial). The M1 district allows limited industrial uses. .

The building was constructed as a commercial building approximately in 1953 and has had a variety of industrial tenants. The current use is as a medical marijuana provisioning center.

### **SURROUNDING LAND USES AND ZONING**

	LAND USE	ZONING
NORTH	Office/Commercial	M1
EAST	Office/Commercial	M1
SOUTH	Industrial	M1
WEST	Retail/Office/Storage	C3

### **HISTORY AND PLANNING BACKGROUND**

City records indicate 2394 Winewood was constructed in 1954. Between 1997-2015 the site was used by the Mosaic Foundation as a cat rescue shelter. Since May 2017 it has been occupied by Parhurst Services as a medical marijuana facility. Aerial imagery of the site in 1960 shows the site much as it looks today. Site plans were not required for development on platted lots until the mid-1970s. Prior to then, zoning and parking standards were reviewed and enforced as part of the building permit process. The tenant space is currently vacant. In 2018, the petitioner requested permission to use the site for a medical marijuana provisioning center. All required site improvements were installed after the Planning Commission approved the special exception use in 2018.

### **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 microbusinesses 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 towards sustainability, conservation, and 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 grow, process, and retail use, a medical marijuana provisioning center is generally compatible with the retail, office, and limited industrial uses in the surrounding blocks.

Consistent with the neighborhood and not detrimental: The intensity and character of the provisioning center is compatible with the the character of this section of Maple and Winewood Streets which include a diversity of retail, office, and limited industrial uses. Although complaints have been received about the increasing number of proposed provisioning centers in general, nor formal complaints have been made on this particular site.

Parking: 2394 Winewood Street will be a free standing business and is not connected to a larger industrial or commercial center. The center provides 8 off-street parking spaces, a minimum of 6 spaces are required. One Class B and one Class C bicycle parking spaces are required. One Class B and four Class C spaces are provided. One curb cut on S. Maple Road currently provides access the parking lot. An existing curb cut provides access to a dumpster on the Winewood side of the site. An existing “drive-thru” drive exists on the south side of the site. The drive currently provides convenient barrier free access to an entrance at the southeast side of the building. A barrier free parking spaces is provided in the main parking lot off of Maple Road which will include a sidewalk that leads to this barrier free entrance.

Pedestrian Safety: Public sidewalks, in good condition, are present along South Maple and Winewood Streets, as well as surrounding blocks.

Vehicular movement and traffic: Anticipated vehicle trips generated by a grow/process/provisioning center are consistent with general retail and limited industrial uses found in other M1 districts. This facility will have a neutral affect on vehicular movements and traffic patterns in the area.

Natural Features: All existing trees are proposed to remain undisturbed.

*Additional required Marijuana SEU information:*

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

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 marijuana businesses. The applicant has provided a statement about how odor mitigation will be achieved by creating negative air pressure throughout the facility and using charcoal 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 8:00pm, daily.

On-site Solar Panels: The Unified Development Code requires marijuana facilities to install on-site solar panels that provide a minimum of 10% of energy usage. The petitioner is required to provide the panels prior to obtaining a final Certificate of Occupancy.

## **DEPARTMENT COMMENTS**

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

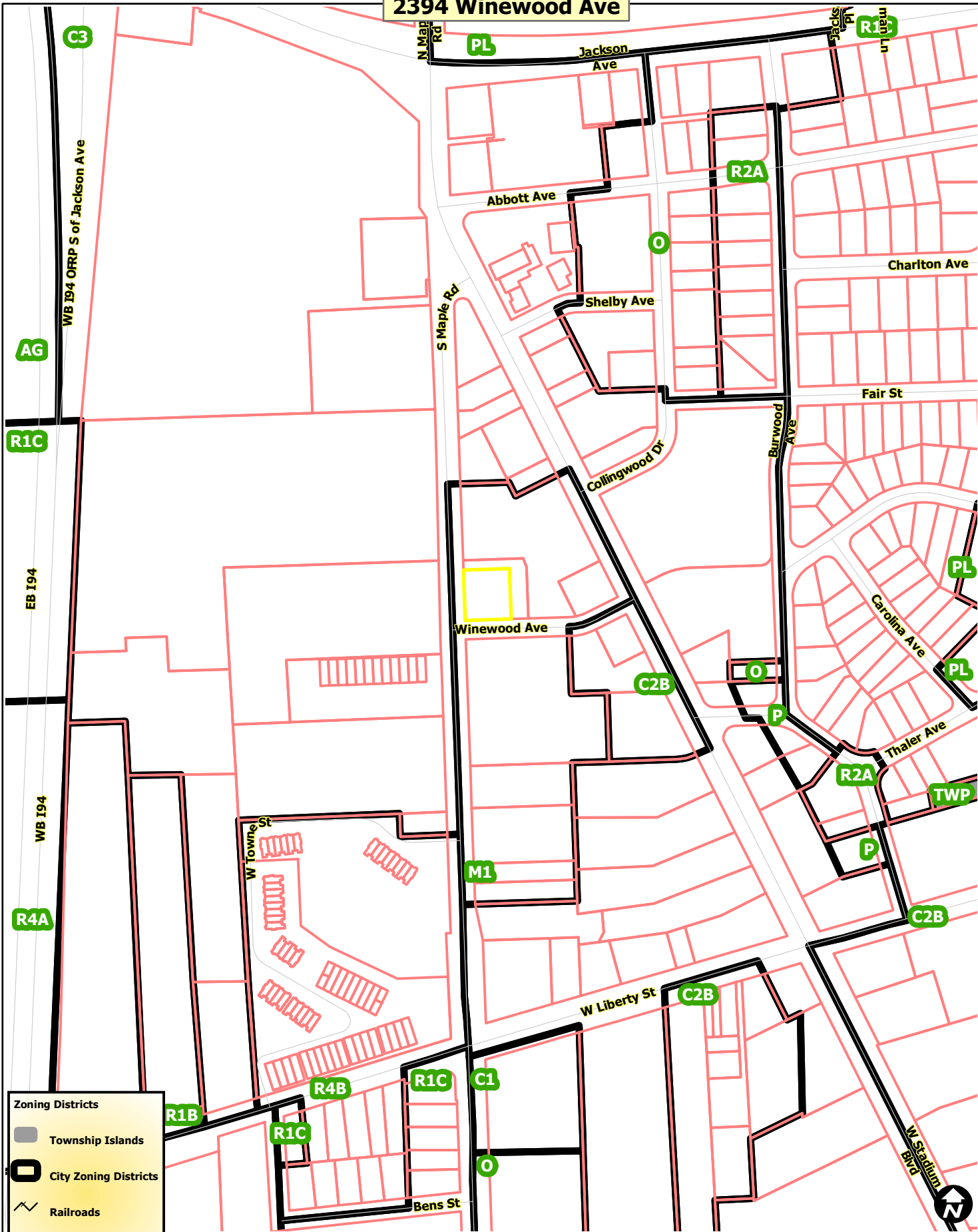
Prepared by Jeff Kahan, City Planner  
Reviewed by Brett Lenart, Planning Manager

Attachments: [Zoning/Parcel Maps](#)  
[Aerial Photo](#)  
[SEU Petition](#)  
[Operations Plan](#)  
[Site Plan](#)

[Microbusiness/School Locator Map](#)

- c: Petitioner – Eric Parkhurst  
Property Owner – AA Properties, LLC  
Petitioner’s Agent – Macon Engineering, LLC (Kathy Keinath)  
City Attorney’s Office  
Systems Planning  
File No. SEU20-008

2394 Winewood Ave



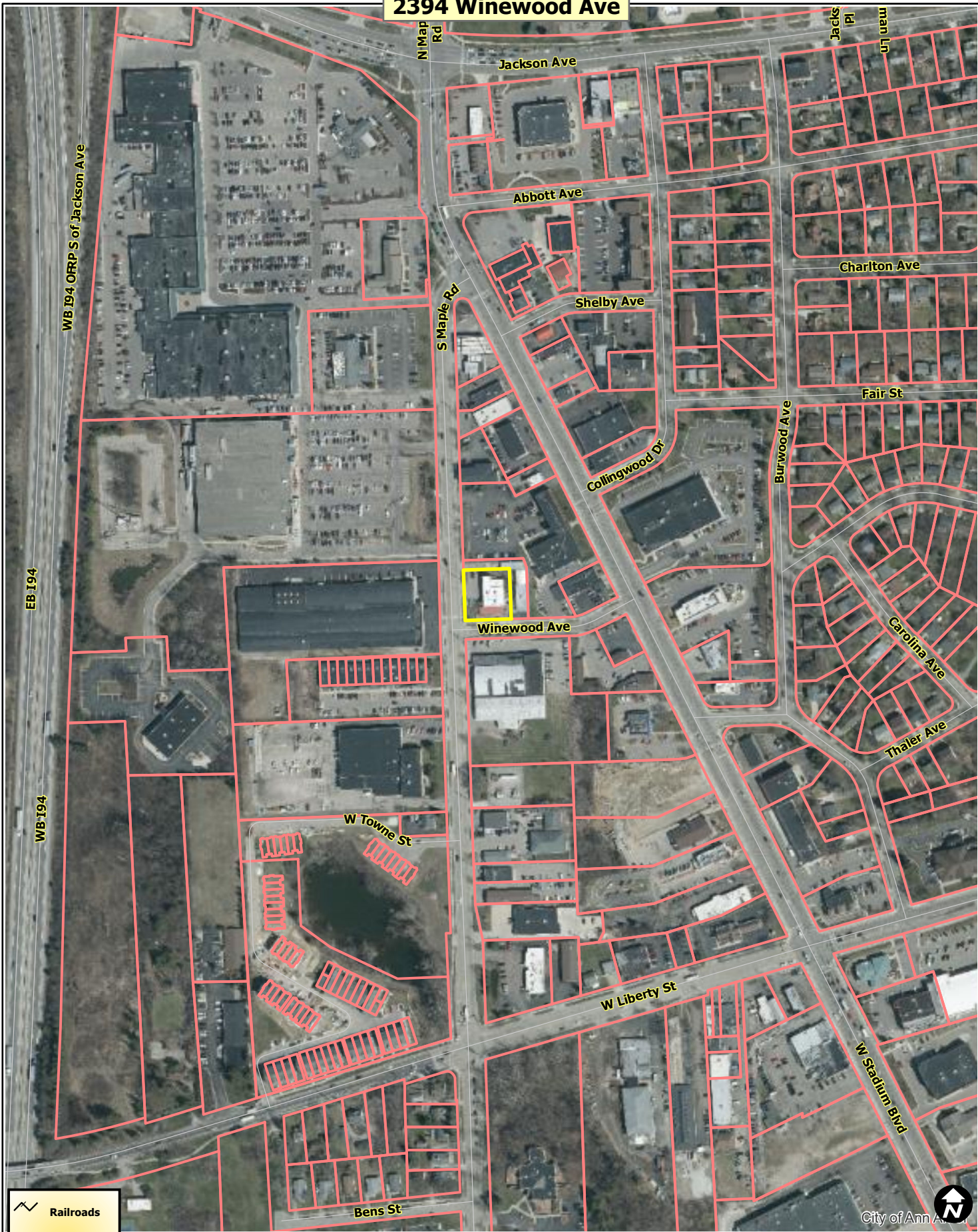
**Zoning Districts**

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



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# 2394 Winewood Ave



- Railroads
- Huron River
- Tax Parcels






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2394 Winewood Ave

S Maple Rd

Winewood Ave

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