

**PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of August 21, 2018**

**SUBJECT: 3005 Packard Site Plan and Special Exception Use (3005 Packard Road)  
File No. SP18-031 and SEU18-011**

**PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby approves the 3005 Packard Site Plan for Planning Commission for the removal of gas pumps and rearrangement of parking and circulation on the site.

**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 3005 Packard 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 provides for commercial activities including retail establishments, offices, and personal services with automobile access.
2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. Packard Road and Platt Road provide 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 special exception use may occupy no more than the building's current 1,863 square feet.
4. The petitioner will install all site improvements shown on the 3005 Packard Site Plan before zoning compliance will be granted for the Special Exception Use.

### STAFF RECOMMENDATION

Staff recommends **approval** of the site plan because it complies with all applicable local, state, and federal ordinances, standards and regulations; it will not cause a public or private nuisance; and it will not have a detrimental effect on public health, safety or welfare.

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 at the northeast corner of Packard Road and Platt Road. It is in the Malletts Creek subwatershed, and 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 Unified Development Code, Chapter 55, C3 zoning allows medical marijuana provisioning centers with special exception use approval. The petitioner mailed post card notices consistent with citizen participation requirements.

The 0.47 acre site contains a 1,863 square foot, single-story retail building. The provisioning center would occupy the entire building. A site plan is required because of work proposed to improve circulation and parking, including removing the pump islands and their two canopies, closing two of the four curb cuts on this corner lot, formalizing parking spaces and relocating the dumpster.

A new storm water management system will direct runoff to a treatment unit prior to release into an underground detention system. The design accommodates first-flush storms. The detention system will be lined with an impervious line to prevent contamination from infiltrating. Larger storm events overflow to the Platt Road storm sewer. Impervious surface on the site is being reduced from 17,087 square feet to 9,769 square feet.

A copy of the [site plan is linked here](#).

### COMPARISON CHART

	EXISTING	PROPOSED	REQUIRED/PERMITTED
Zoning	C3 Fringe Commercial	C3 Fringe Commercial	C3 Fringe Commercial
Gross Lot Area	0.47 acres	0.47 acres	6,000 SF MIN
Height	16 FT	18 FT	55 FT MAX
Setbacks – Front	64 FT (Packard)* 68 FT (Platt)*	64 FT (Packard) 68 FT (Platt)	15 MIN/25 MAX
Setback –Side (East)	1.5 FT	1.5 FT	0 FT
Setback – Rear (North)	49 FT	49 FT	0 FT
Parking – Automobile	10 + 6 Pump Spaces	7	6 MIN/7 MAX
Parking – Bicycles	0	2 Class B & 2 Class C	1 Class B

\*This is an existing nonconforming building for front setbacks.

### SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Dental Office	O Office District
EAST	Retail	C3 Fringe Commercial District
SOUTH	Retail/Restaurant	C2B Business Service District
WEST	Service Station/Retail	C3 Fringe Commercial District

### HISTORY

Per the website [pittsfieldhistory.org](http://pittsfieldhistory.org), Potawatomi Indians originally inhabited this area and gave up their title in the 1807 *Treaty of Detroit*. The first settlers arrived in 1825, and Mallett Creek School was built then. The area was known as Malletts Creek Settlement. In 1926 the settlement became part of Pittsfield Township. The area was incorporated as the City of East Ann Arbor in 1947, with a population of around 2000 residents who desired police and fire services. The City of East Ann Arbor was annexed by the City of Ann Arbor in 1956.

### PLANNING BACKGROUND

The C3 Fringe Commercial 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 another provisioning center to the east on Packard, 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 South Area site and other parcels on the block facing Packard.

### **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.

Click here for a copy of the [SEU Petition Application](#) . Additional information is attached in eTrakit: visit [www.a2gov.org/permits](http://www.a2gov.org/permits), search for 3005 Packard under Projects, and click on SEU18-011 or SP18-031 for the special exception use or site plan records.

### **PLANNING STAFF COMMENTS**

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

South Area Plan: The master plan recommends commercial uses for this location, with which the proposed use is consistent.

Compatibility with the general vicinity: The Packard & Platt area has a great variety of uses, including retail (grocery, merchandise) restaurants, health care, barber, and dry cleaning services.

Consistent with the neighborhood and not detrimental: The intensity and character of the business is compatible with neighboring businesses.

Parking: The rearrangement of parking and driveways on the site results in safer ingress, egress, and circulation. Seven vehicular parking spaces are proposed, the maximum allowed.

One class B bicycle parking space is required. Two class B and two class C are proposed.

Pedestrian Access and Safety: Pedestrian circulation on public sidewalks around the site is good, and sidewalks are in good condition. Several bus routes stop within a block of the business. A pedestrian crosswalk is marked on the Packard driveway and leads to an accessible internal sidewalk to the front door.

Vehicular movement and traffic: The site has good vehicular access to Packard Road and Platt Road. The vehicle trips generated by a provisioning center are consistent with general retail uses found in the C3 district, and the surrounding land uses.

Natural Features: There are no natural features on the site.

*Additional required Medical Marijuana SEU information:*

Operations Plan: The attached plan describes daily procedures, patient processing, etc.

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. This petition's plan describes security mechanisms, monitoring, and logs, risk reduction, and more.

Odor Control: Lack of odor control is the most frequent complaint heard by staff about provisioning centers. This petition describes controlling odors through identification of sources, odor mitigation devices, service plans, and troubleshooting.

Waste Disposal: Medical marijuana waste will be stored securely on site, and disposed of in a way that meets state requirements.

Hours of Operations: Monday through Sunday, 9am to 10pm.

## **DEPARTMENT COMMENTS**

None.

Prepared by Jill Thacher

Attachments:   Zoning/Parcel Maps  
                  Aerial Photo  
                  Provisioning Center/School Locator Map

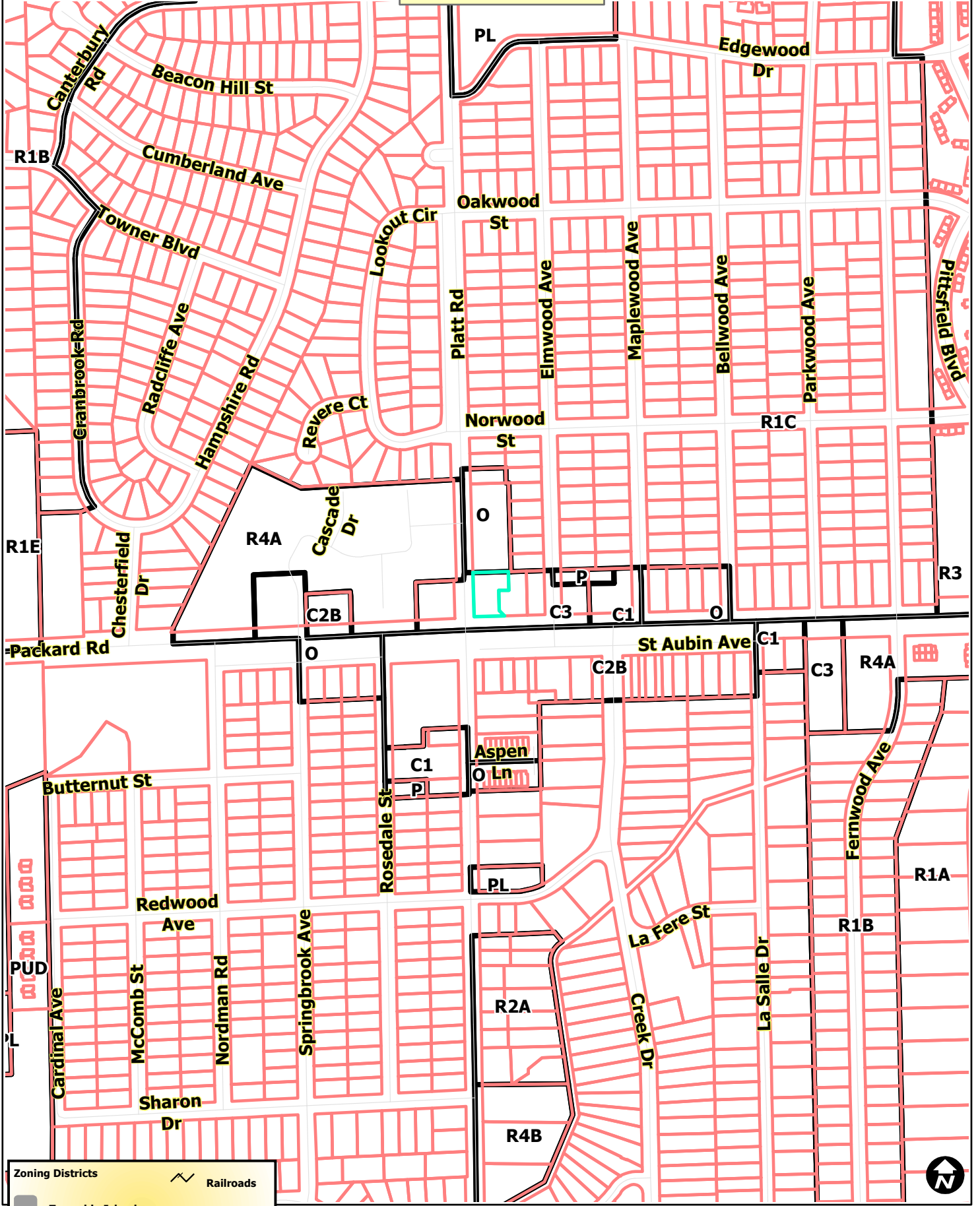
c:    Petitioner: Jason Abro  
          29820 Telegraph Road  
          Southfield, MI 48034

Petitioner's Agent:   Nederveld, Inc.  
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3025 Miller Road  
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City Attorney's Office  
Systems Planning  
File No. SEU18-011  
File No. SP18-031

**3005 Packard Rd**



<b>Zoning Districts</b>	Railroads
Township Islands	Huron River
City Zoning Districts	Tax Parcels



Map date 2/20/2018  
 Any aerial imagery is circa 2015 unless otherwise noted  
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# 3005 Packard Rd



- Railroads
- Huron River
- Tax Parcels






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**3005 Packard Rd**



-  Railroads
-  Huron River
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### 3005 Packard Road Buffer Map

600 foot provisioning center buffer (yellow)

1000 foot school buffer (salmon)

