

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of June 5, 2018

SUBJECT: 702 South Main Street Special Exception Use with Site Plan for Planning Commission Approval

File No. SEU18-017

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 702 South Main Street 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 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. South Main Street and West Mosley 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 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 current 5,382 square feet of 702 South Main Street.
4. Approval of the Special Exception Use is subject to the petitioner providing site improvements as shown on the site plan including new bicycle parking and relocating a barrier free parking space.

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 southwest corner of South Main Street and East Mosley Street. Central Planning Area. Ward 5.

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) that is part of a small retail shopping center (7-11 convenience store is the other tenant). The C1 district allows commercial, office, and residential uses.

The building was constructed as a commercial building sometime between 1940 and 1948. The proposed tenant space is currently vacant but was recently used by a carpentry business.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Multi-family Residential	D2
EAST	Office Buildings	C1
SOUTH	Residential	R4B
WEST	Residential	C1

HISTORY AND PLANNING BACKGROUND

City records indicate 702 South Main was constructed sometime between 1940 and 1948. 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.

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 the 7-11 convenience store on the site. The provisioning center is being proposed in an established local 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: 702 South Main Street is part of a two-tenant commercial center. The center provides 22 off-street parking spaces, a minimum of 18 spaces are required. Two bicycle parking spaces are required for this retail center. None exist. One Class B and one Class C space will be provided. Because the proposed retail use will replace an existing retail use, the requirement to comply with the current parking standard is not triggered.

Pedestrian Safety: Public sidewalks, in good condition, are present along South Main and East Mosley Streets, as well as all surrounding blocks. Two curb cuts currently access the site; one from each abutting street which meets the City's current requirements for the maximum number of curb cuts.

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: There are no regulated natural features on this site.

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 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.

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](#)
[Security Plan](#)
[Operating Procedures](#)
[Odor, Waste, Hours Statement](#)
[Site Plan](#) and [Floor Plan](#)
[Provisioning Center/School Locator Map](#)

c: Petitioner – Liberty Gallery Inc. (James Daly)
Property Owner – Main/Ann Arbor Corners, LLC (Resident Agent David Ebner)
Petitioner's Agent – Washtenaw Engineering Co. (Robert Wanty)
City Attorney's Office
Systems Planning
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