

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of August 21, 2018

**SUBJECT: 2019 W. Stadium Provisioning Center Special Exception Use and Site Plan
File No. SEU18-015**

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 (Unified Development Code), Section 5.29.5.D (Special Exceptions) and Section 5.16.3.G (Medical Marijuana Facility), and therefore approves the 2019 W. Stadium Special Exception Use for a medical marijuana Provisioning Center.

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.

This approval is based on the following findings:

1. The proposed use will be consistent with the C3 (Fringe Local Business District) and C2B (Business Service 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. West Stadium 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 install 6 Class B and 5 Class C bicycle parking hoops as shown on sheet 4. The parking spaces must be installed before Certificate of Occupancy is issued.
4. The special exception use may occupy no more than 7,000 square feet of the entire building.
5. Hydrant(s) shall be located such that all buildings and structures on site will be included in a 250-foot radius drawn around each hydrant before issuance of a Certificate of Occupancy.
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.

STAFF RECOMMENDATION

Staff recommends that the special exception use be **postponed** to allow the petitioner additional time to address city staff comments.

LOCATION

The site is located on the west side of W. Stadium Blvd, south of Federal Blvd and is in the Allen Creek subwatershed, Ward 5.

DESCRIPTION OF PETITION

The petitioner seeks special exception use approval to operate a medical marijuana provisioning center in an existing building zoned C3 and C2B. The eastern half of this site is zoned C3 and the western half C2B. Per the Zoning Ordinance, Chapter 55, C3 and C2B zoning allows medical marijuana provisioning centers with special exception use approval.

The 82,720 square foot site contains a 42,128 square foot, one-story mixed-use industrial and retail building constructed in approximately 1961. The provisioning center proposes to the eastern portion of the building totaling 6,000 square feet. A total of 74 parking spaces are required for the entire building and 64 spaces provided. The petitioner indicates the shared parking between the businesses is working with the rear parking area mainly used for the retail and restaurant uses and the front 14 parking spaces used for the provisioning center.

Six Class B and five Class C hoops near the building entrance are also proposed. No other changes to the site are proposed by the petitioner.

PLANNING BACKGROUND

The C2B and 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 W. Stadium Blvd.

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.

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 and potential future residential to the west if a recently approved site plan is built. 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 Stadium Blvd.

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. The site plan shows restriping of the lot with a total of 64 spaces, short of the required 73 parking spaces. A minimum of 20 spaces are required for the provisioning center with a total of 14 parking spaces shown near the front where the provisioning center is proposed. 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. The petitioner indicates the shared parking has functioned properly for this site. The site plan specifies additional Class B and Class C bicycle parking hoops near the building front entrances for both the restaurant and provisioning center. These must be installed as specified on the site plan by October 31, 2018 as a condition of the SEU approval.

Pedestrian Safety: Public sidewalks, in good condition, are present in front of this strip commercial center.

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 W. Stadium Blvd.

Natural Features: No natural features exist on the site.

Additional required Medical Marijuana SEU information:

Operations Plan: The referenced [operation plan](#) describes, storage and deliveries, packaging and product tracking, cash handling, staffing hiring and training.

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: Odor mitigation is achieved by creating negative air pressure throughout the facility. The odor will be mitigated with charcoal air filters and 900CFM duct fans within interior areas that include odor emitting activities. At 2019 W Stadium, there will be little to no odor-emitting activities as packaging will be done off site. The areas of this space that may contain some odor include the *limited access* storage area in the rear of the provisioning center where inventory is stored and secured. Air from the facility is pulled through air ducts and filtered before exiting the facility. Strategically placed intake ducts will appropriately channel the flow of exterior air into the building while only allowing the scrubbed, odor free interior air, to leave the building. Additionally, air purification and filtration is utilized.

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:

Traffic - The Traffic Impact Study threshold is met. A TIS report is required for review.

Engineering/Fire - Fire hydrant coverage is not fully provided for the site. Hydrants shall be located such that all buildings and structures will be included in a 250-foot radius drawn around each hydrant. Additionally, hydrants shall be located such that the hose lay to any external portion of a structure via an approved fire route will not exceed 400 feet. Hydrants that are used to meet fire hydrant coverage requirements must be considered accessible to the development.

Water main does not exist on this site to support the proposed hydrant. Information on how and where the proposed water main would connect to existing water main needs to be shown on the plan.

Planning – This site is located adjacent to a residential neighborhood to the south and several concerns regarding security and the medical marijuana industry in general were raised. The petitioner held a neighborhood meeting and invited neighbors within 500 feet of this site to discuss their concerns. The outcome of this meeting is attached.

The petitioner indicated numerous businesses have operated out of the subject site without fire hydrant coverage being met over many years. Staff records indicate this site does not have a site plan on file and thus a fire hydrant review was never required while new businesses moved into this building. The petitioner is seeking approval of this site plan subject to waiving the fire hydrant coverage.

Prepared by Chris Cheng

Attachments: [Zoning/Parcel Maps](#)
[Aerial Photo](#)
[SEU Petition Application](#)
[SEU Application Attachments](#)
[Site Plan](#)
[Floor Plan](#)
[February 14th Neighborhood Meeting Summary](#)

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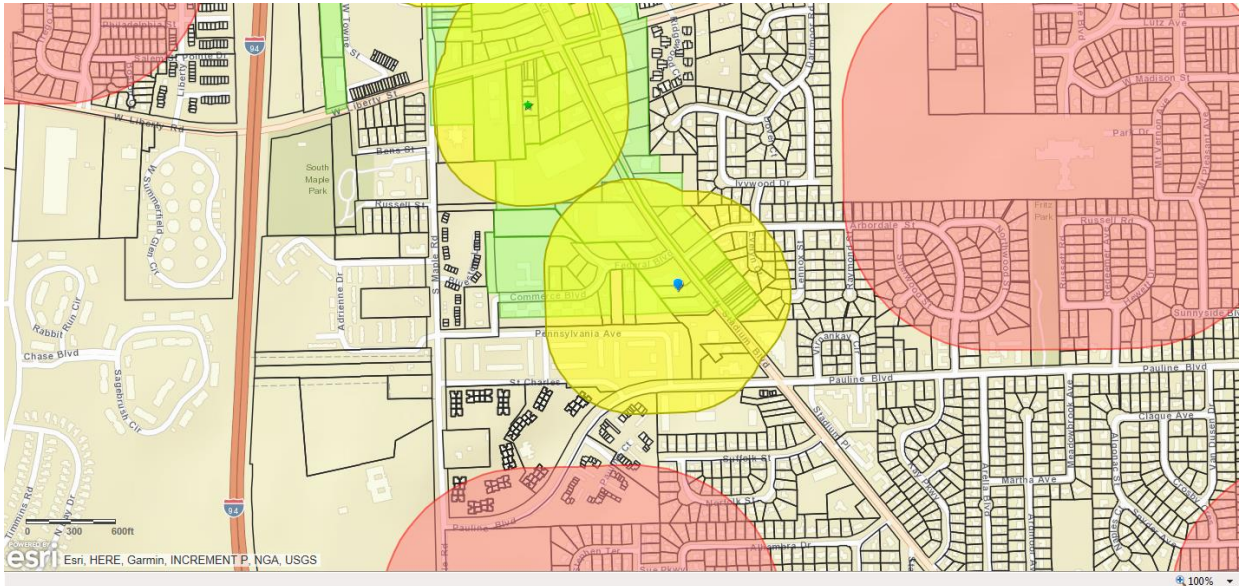
City Attorney's Office
Systems Planning




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Front of 2019 W. Stadium Blvd., August 2017 (google)



Medical Marijuana Location Map



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