

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of July 16, 2019

**SUBJECT: 2793 Plymouth Special Exception Use and Site Plan (2793 Plymouth Road)
File No. SEU19-001**

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 2793 Plymouth 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.
2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. Plymouth Road provides access to the site, and the proposed use is consistent with other surrounding uses' traffic impact.
3. There is an existing site plan approved by City Council in 2013, on file in Planning Services.
4. 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.
5. There is an existing approved special exception use for medical marijuana provisioning approved in 2018, on file in Planning Services, that will be amended by this special exception use.

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 2,725 square feet of the entire building.
4. This special exception use supercedes the previous special exception use approved on this site dated May 5, 2018.

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.

UPDATE

The petition was postponed at the June 4, 2019 City Planning Commission meeting while awaiting traffic engineering comments. Since then the petitioner reduced the size of the provisioning center from the 3,200 square feet (shown in June 4, 2019 staff report) to 2,725 square feet. The smaller provisioning center complies with required traffic codes.

LOCATION

The site is located on the north side of Plymouth Road, east of Nixon Road and west of Huron Parkway. It is in the Millers Creek subwatershed, and Ward 2.

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. Per the Zoning Ordinance, Chapter 55, C3 zoning allows medical marijuana provisioning centers with special exception use approval.

The 1.0 acre site contains a 21,732 square foot, two-story retail building constructed in 2012/2013. The provisioning center occupies Suite H on the second floor, and is approximately 2,697 square feet. No changes to the site are proposed by the petitioner.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Retail (Plymouth Road Mall)	C3
EAST	Retail (Speedway Gas Station)	C3
SOUTH	Research (University)	PUD
WEST	Retail/Service (TCF Bank)	C3

HISTORY

A 1966 aerial photo shows a single farm on the triangle between Plymouth, Nixon, and Huron Parkway. By 1978 the triangle was completely developed with all of the current buildings except this one (Plymouth Road Plaza).

The Plymouth Road Plaza [Site Plan](#) was approved by City Council in 2009, administratively amended in 2012, and the landscaping was administratively amended in March, 2013. The project was constructed in 2012/2013 on top of what had been a parking lot for Plymouth Road Mall.

On March 5, 2018 a special exception use was approved by the City Planning Commission for a medical marijuana provisioning center with a maximum size of 500 square feet. This petition would supersede that prior approval.

PLANNING BACKGROUND

The C3 Business Service 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 surrounding parcels in the triangle between Plymouth Rd, Huron Parkway, and Nixon Road.

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 and additional attachments](#) may be found in the complete project application package in eTrakit at www.a2gov.org/permits.

PLANNING STAFF COMMENTS

Medical marijuana provisioning is a land use akin to general retail. Goods are located on site, and consumers, in this case state medical marijuana card-holders, purchase those goods and leave the store with them.

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

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

Compatibility with the general vicinity: The use is not unlike the retail businesses surrounding it. In this retail center, these include a fitness center, salon, coffeeshop, restaurant, and credit union. The parcel is across a parking lot from the Plymouth Road Mall.

Consistent with the neighborhood and not detrimental: A medical marijuana provisioning center on the same floor of the building (that would be replaced by this larger one) has generated no complaints to city staff in the several years that it has been in business.

Parking: The development has 74 parking spaces, 17 of which are off-site shared spaces on the east side of the Starbucks drive through lane. Four class A and six class C bicycle parking spaces are present.

Pedestrian Safety: Public sidewalks, in good condition, are present along Plymouth Road. Interior sidewalk connect to the public sidewalk, and also connect this development to the Plymouth Road Mall immediately to the north across the parking lot.

Vehicular movement and traffic: The amount of traffic generated by this proposed land use does not require a traffic study.

Natural Features: The site is in compliance with landscaping shown on the December 3, 2012 Landscape Plan sheet S-3.

Additional required Medical Marijuana SEU information:

Operations Plan: The attached operations statement is brief, and doesn't contain details. Staff is not overly concerned about this since the State of Michigan will be dictating many of the daily operating procedures through the Medical Marijuana Facilities Licensing Act.

Safety & Security: A thorough safety and security plan is attached. 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.

Odor Control: Lack of odor control is the most frequent complaint heard by staff about provisioning centers. This petition includes an air filtration system description and proposes carbon filters and ventilation fans to control odors. Per the medical marijuana zoning ordinance, no facility may create noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.

Waste Disposal: All parts of a marijuana plant that are to be discarded will first be rendered unusable by grinding and mixing with neutral materials. The business will send this material to an approved disposal facility.

Hours of Operations: As stated on the Cover Sheet attachment, hours will be Monday-Friday, 8am-8pm, Saturday 10am-8pm, and Sundays from 10am-5pm. The Saturday hours are one hour shorter than the current approved SEU.

DEPARTMENT COMMENTS

None.

Prepared by Brett Lenart/Jill Thacher

Referenced: [SEU Petition Application, Floor Plan, Attachments Site Plan Set](#)

Attachments: Zoning/Parcel Maps
Aerial Photo

c: Petitioner: MMM of A2, Inc.
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Petitioner's Agent: Cannabis Attorneys of Michigan
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City Attorney's Office
Systems Planning
File No. SEU19-001

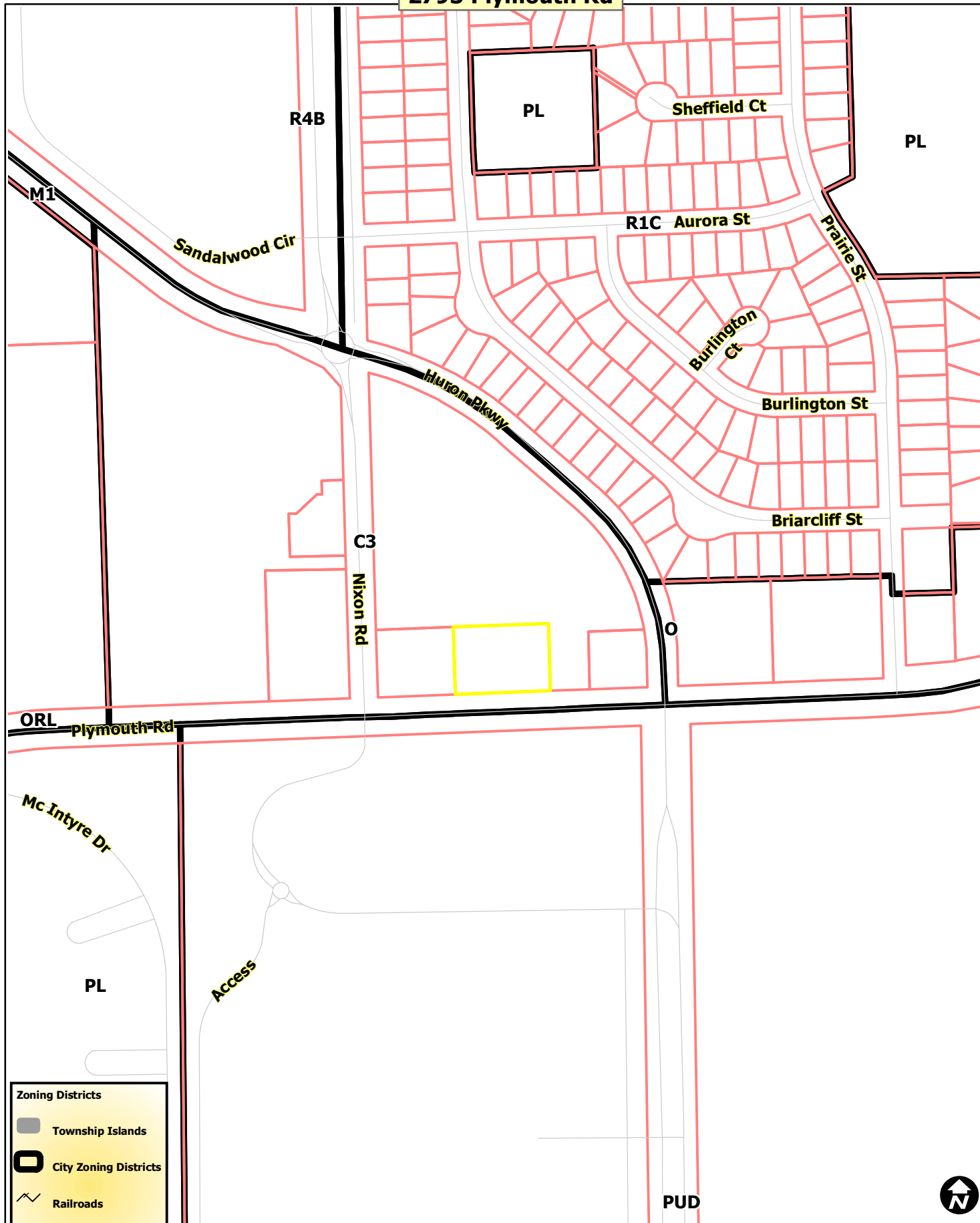
Front of 2793 Plymouth, August 2017 (google)



Rear of 2793 Plymouth, July 2015 (google)



2793 Plymouth Rd



Zoning Districts

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






Map date: 12/14/2018
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2793 Plymouth Rd



-  Railroads
-  Huron River
-  Tax Parcels



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