

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of July 17, 2018

**SUBJECT: 811 North Main Special Exception Use and Site Plan (811 North Main Street)
File No. SEU18-003**

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 811 North Main 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 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. North Main Street 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 re-pave and install parking blocks along south edge of the existing parking lot.
4. The hours of operation will be within 9:00am to 8:00pm, Monday through Saturday, and 10:00am to 6:00pm on Sundays.

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

The site is located on the west side of North Main Street, north of Summit, is in the Allens Creek sub watershed, and Ward 1.

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 District. Per the Zoning Ordinance, Chapter 55, C1 zoning allows medical marijuana provisioning centers with special exception use approval.

The 5,009 square foot site contains a 1,754 square foot, two-story retail building constructed in approximately 1920. The provisioning center will occupy the second floor of the building on the site and there is an existing coffee shop on the first floor. There are a total of six vehicle parking spaces that are required for both uses. The six required spaces are provided on the adjacent parcel that is zoned C3 (Fringe Commercial). The petitioner does have a permanent recorded off-site parking easement that satisfies the requirements of Chapter 59 (Off-Street Parking). The petitioner will be adding two Class C and one Class B bicycle parking space. The petitioner proposes no other changes to the site.

PLANNING BACKGROUND

The C1 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* and *office* for this site and for surrounding parcels along North Main Street.

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 office and commercial uses for this location, with which the proposed use is consistent.

Compatibility with the general vicinity: There are commercial uses immediately adjacent on the north side and west side of the property. Adjacent to the south is a residential structure (zoned commercial) and a commercial use at the corner of N Main and Summit.

Consistent with the neighborhood and not detrimental: The intensity and character of the business are compatible with this commercial development.

Parking: The retail use of the building requires six vehicle parking spaces (including one barrier free space). These parking spaces are located on the adjacent parcel and secured through permanent off-site parking easements as required by Chapter 59. The site plan specifies one class B and two class C bicycle parking spaces which will be provided on the site. Planning staff has requested that the petitioner re-pave the existing deteriorated parking lot. The petitioner has agreed to re-pave and stripe according to the approved site plan. This should be a requirement of any Planning Commission approval.

Pedestrian Safety: Public sidewalks, in good condition, are present along North Main Street. There is no interior sidewalk connection to the public sidewalk; access is through the parking lot.

Vehicular movement and traffic: The vehicle trips generated by a provisioning center are consistent with general retail uses found in C1 district, and surrounding land uses. This site has good access to and from North Main Street. The City Traffic Engineer requested updated trip generation for this petition. After review of the requested information, the City's Traffic Engineer approved the plan.

Natural Features: No natural features exist on the site.

Additional required Medical Marijuana SEU information:

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

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: Lack of odor control is the most frequent complaint heard by staff about provisioning centers. The applicant has [stated](#) that the entire building is equipped with continuously running HEPA and carbon filters within the HVAC units to control and eliminate all odors from leaving the building.

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 Saturday, and 10:00am to 6:00pm on Sundays.

DEPARTMENT COMMENTS

All relevant staff have reviewed the application. There were no staff comments.

Prepared by Matt Kowalski

Attachments: Zoning/Parcel Maps
 Aerial Photo
 [SEU Petition Application](#)
 [SEU Application Attachments](#)
 Provisioning Center/School Locator Map
 [Site/Landscape Plans](#)
 [Floor Plan](#)

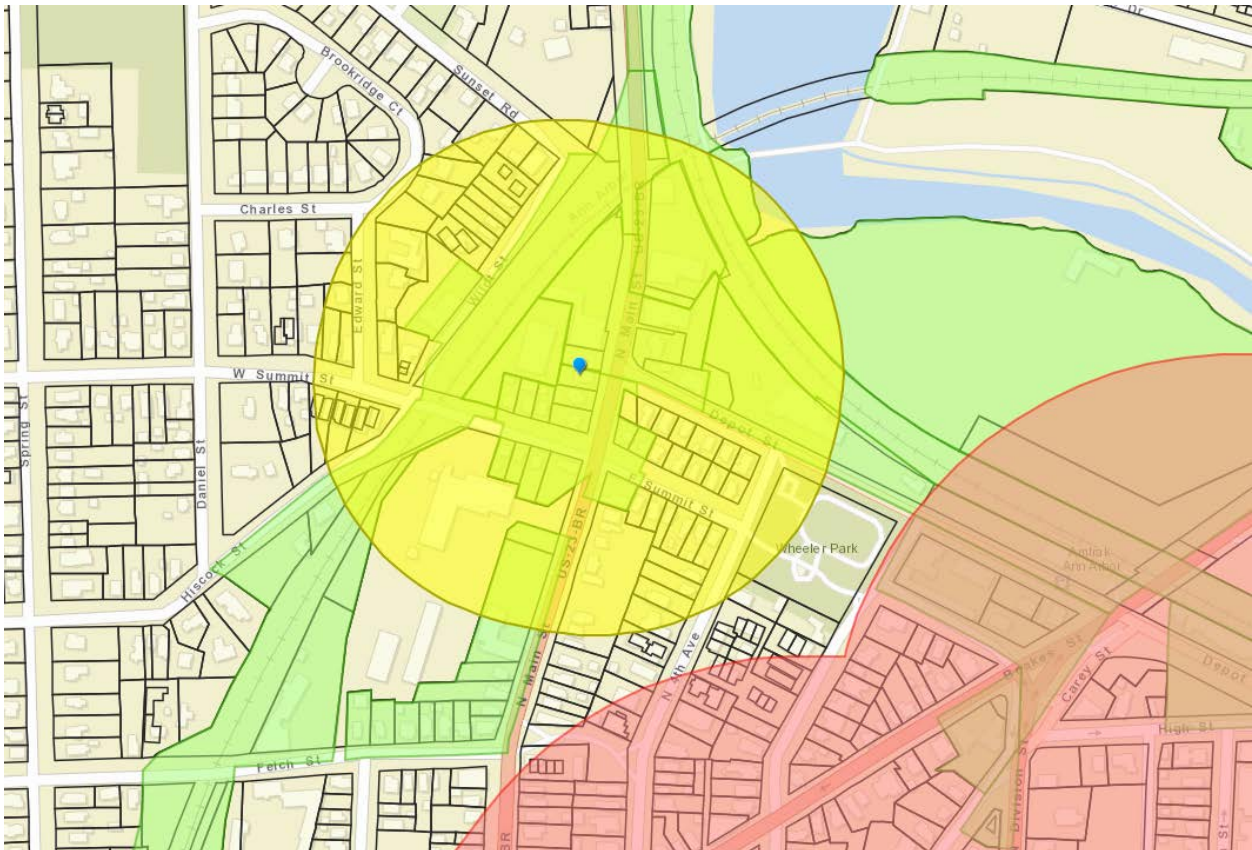
c: Petitioner:	North Side Narnia 811 North Main St. Ann Arbor, MI 48104
Petitioner's Agent:	Rachel Pell 6619 Brookshire Drive Canton, MI 48187
Property Owner:	Huron River Place. LLC 4615 Loch Alpine Dr Ann Arbor, MI 48103

City Attorney's Office
Systems Planning
File No. SEU18-005

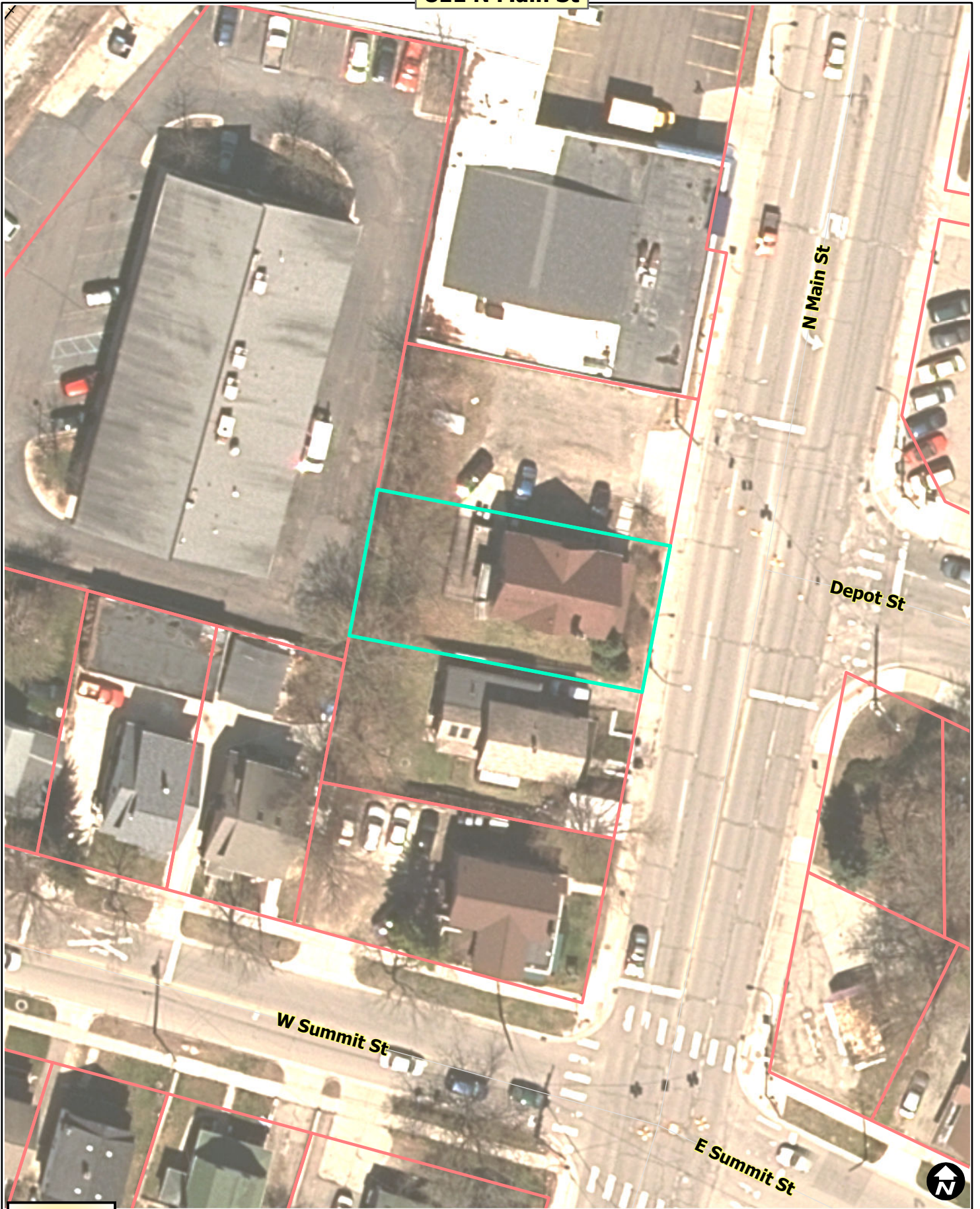
Front of 811 North Main, August 2017 (google)




Medical Marijuana Facility Map



811 N Main St

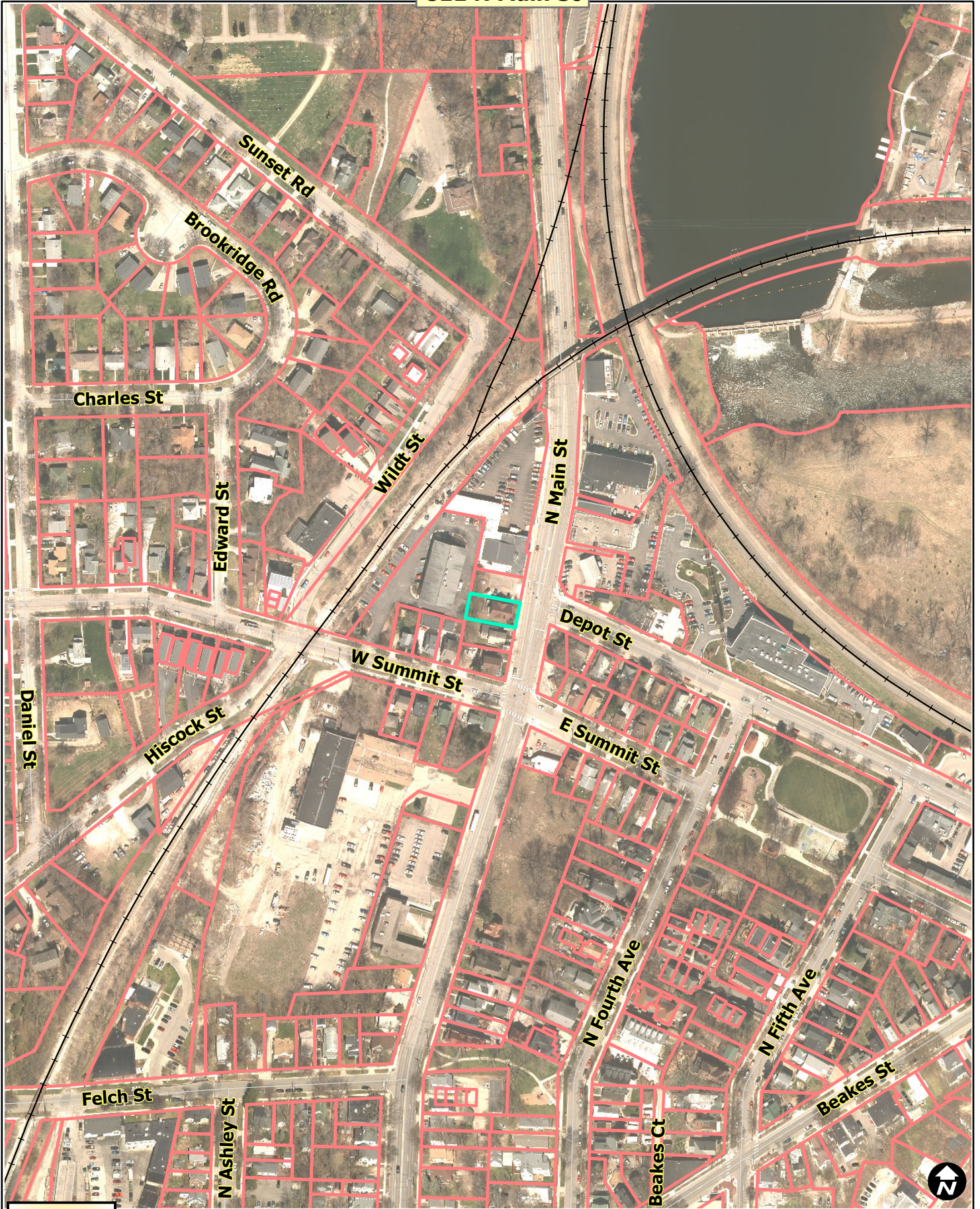




 Railroads
 Tax Parcels



Map date 2/7/2018
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811 N Main St

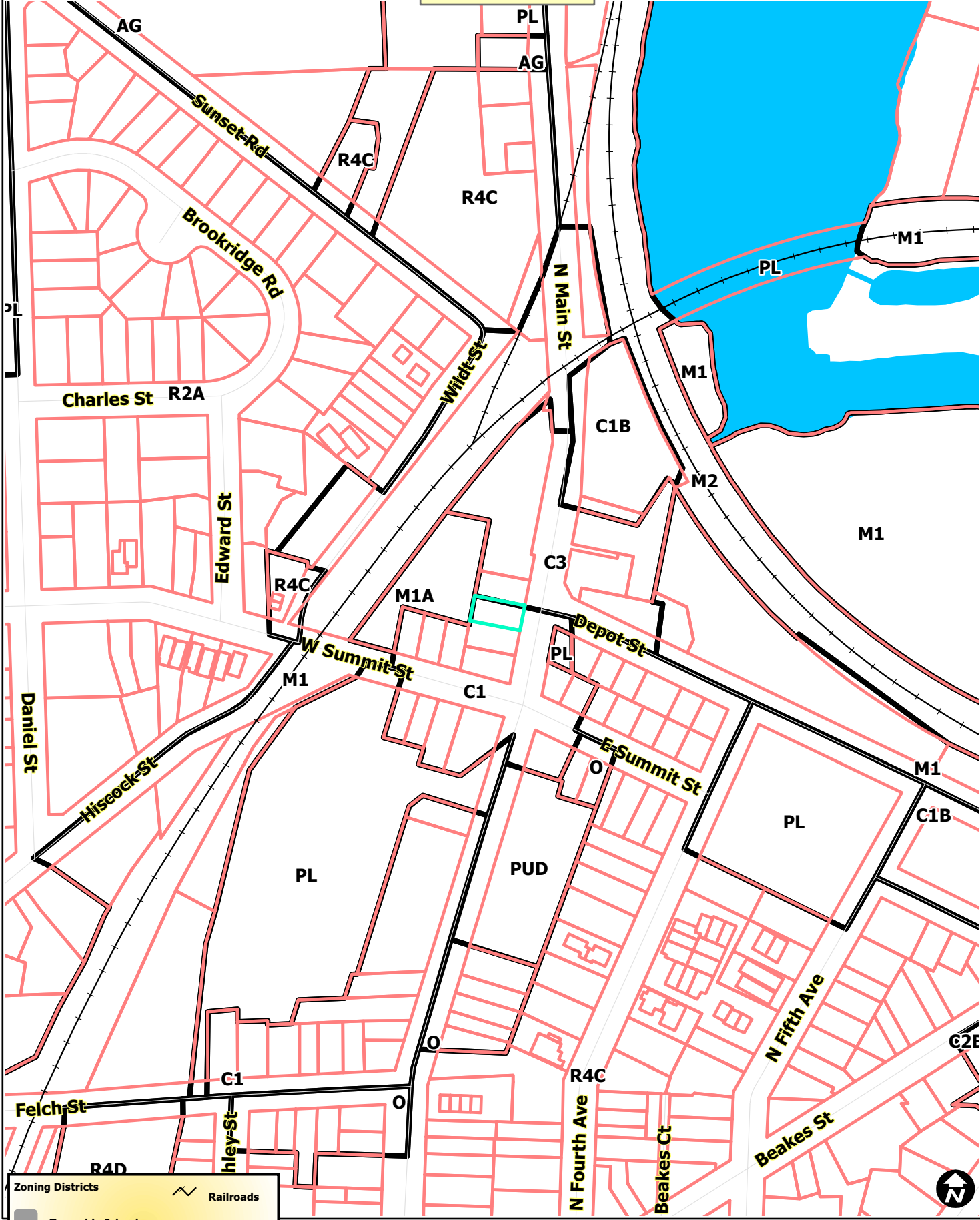


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811 N Main St



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



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