

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of May 16, 2018

SUBJECT: 700 Tappan Street Special Exception Use with Site Plan for Planning Commission Approval

File No. SEU18-010

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 700 Tappan 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 PUD (Casa Dominick's Planned Unit Development) District, which provides for grocery, prepared food and beverage sales and retail (as interpreted by the Zoning Board of Appeals, case ZBA11-022, January 25, 2012).
2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. Tappan Street and Monroe Street provide access to the site, and the proposed use is consistent with other surrounding uses' traffic impact.
3. There is an existing PUD Conceptual Plan approved by City Council on October 19, 2009.
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.

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 provide a revised site plan showing removal of the curb cut and pavement in the front yard at 700 Tappan, and restoration of the area, as required by the Casa Dominick's PUD Supplemental Regulations for the first site plan approved within 30 days of approval and the work must be completed prior to issuance of a Certificate of Occupancy.

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.

UPDATES:

This petition was presented to the Planning Commission at their March 20, 2018 meeting. Following a public hearing, the Planning Commission postponed action to allow the applicant additional time to consider ways to comply with the requirement to close a useless curb cut set forth in the Casa Dominick's PUD Supplemental Regulations.

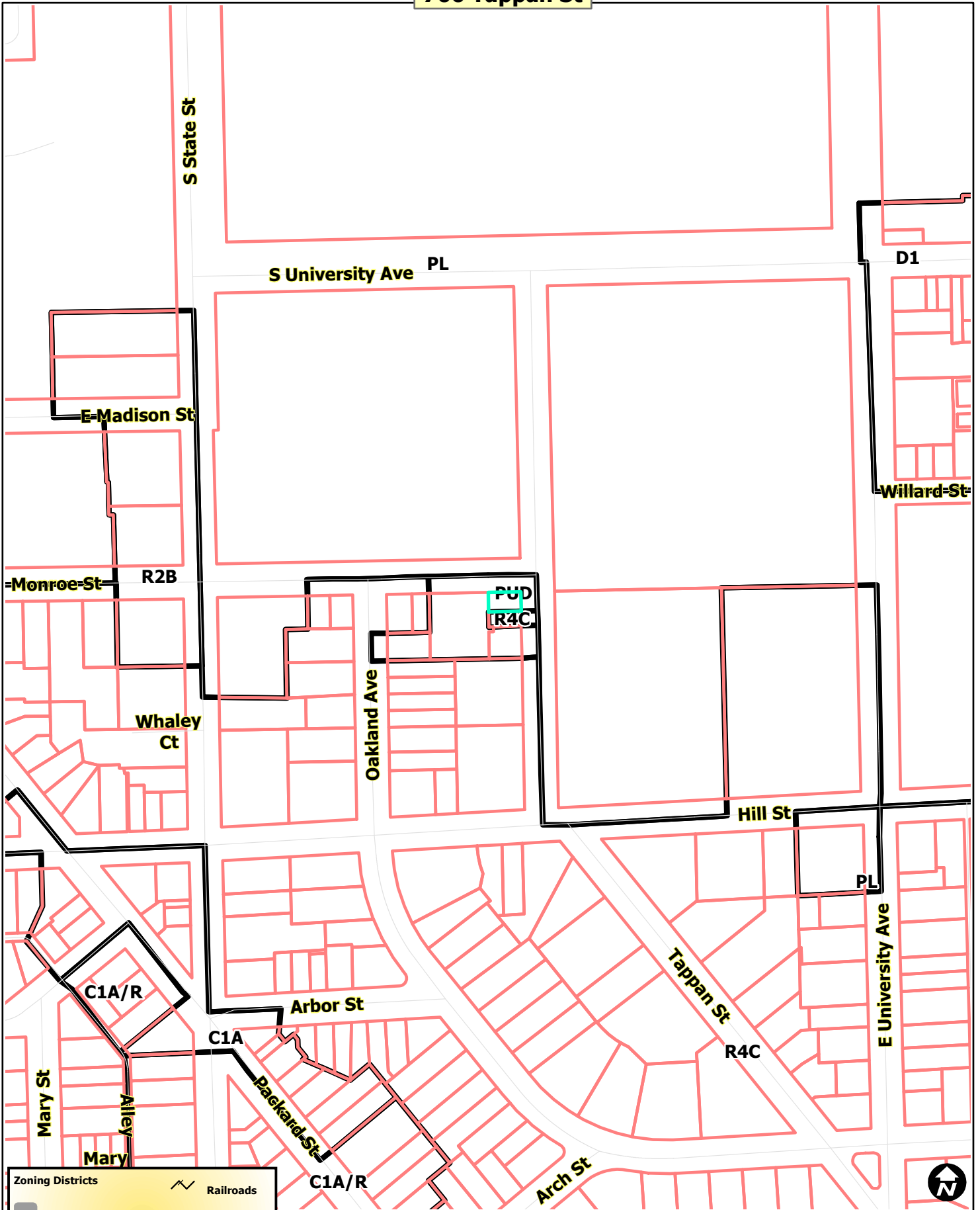
Since then, staff and the applicant have spoken several times. In addition, the Planning Commission discussed options with the applicant at their working session on May 8, 2018. The applicant has decided against pursuing an amendment to the PUD Supplemental Regulations and any other amendment, waiver, or variance process. The applicant will close the curb cut and remove the paved areas in the front yard at 700 Tappan. Revised site plans will be provided quickly, and the removal and restoration work will be completed prior to issuance of a Certificate of Occupancy. Note that City code allows some work to be bonded when issuing Certificates of Occupancy.

Prepared by Alexis DiLeo, City Planner
Reviewed by Brett Lenart, Planning Manager

Attachments: [March 20, 2018 Planning Staff Report](#)
[May 8, 2018 Planning Staff Memo](#)
[Site Plan](#)
Zoning Map
Aerial Photo

c: Petitioner – Michael McLeod
Property Owner – Richard DeVarti
Petitioner’s Agent – Washtenaw Engineering Co. (Robert Wanty)
City Attorney’s Office
Systems Planning
File No. SEU18-010

700 Tappan St



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



Map date 2/6/2018
 Any aerial imagery is circa 2015 unless otherwise noted
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700 Tappan St



Monroe St

Tappan St

-  Railroads
-  Huron River
-  Tax Parcels



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