

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of April 17, 2018

**SUBJECT: Bloom City Club Special Exception Use and Site Plan (423 Miller Avenue)
File No. SEU18-001**

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 Bloom City Club Special Exception Use for a mMedical Marijuana Provisioning Center. This approval is based on the following findings:

1. The proposed use will be consistent with the D2, Downtown Interface District, which provides for mixed uses including residential, 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. Miller Avenue 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 remove two parking spaces at the front of the building along Miller Avenue.
4. 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 Miller Avenue, just east of Chapin, is in the Allen Creek subwatershed, 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 D2 Downtown Interface District. Per the Zoning Ordinance, Chapter 55, D2 zoning allows medical marijuana provisioning centers with special exception use approval.

The 9,484 square foot site contains a 900 square foot, one-story retail building constructed in approximately 1953. The provisioning center is the only building on the site. The parcel is located within the Special Parking District and has no required parking. A small gravel lot located behind the building can park approximately 6 vehicles and the petitioner has added 2 Class C bicycle parking spaces in the rear of the building. No other changes to the site are proposed by the petitioner.

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 *Downtown Interface* (mixed uses) for this site and for the surrounding parcels along Miller Avenue.

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 Downtown Interface (mixed uses) for this location, with which the proposed use is consistent.

Compatibility with the general vicinity: There are residential uses immediately adjacent on the east side and west side of the property. Adjacent to the south is a parking lot for the church located on Chapin. The site is located at the terminus of Spring Street at Miller, this intersection has commercial uses directly across the street with the Big City Small World bakery on the northwest corner and Knight's market on the northeast corner. The site has been in commercial uses for at least 60 years and is not unlike the other retail businesses in this area.

Consistent with the neighborhood and not detrimental: The intensity and character of the business are compatible with this commercial development. No complaints have been received by Planning and Building about this business.

Parking: The site currently has a large gravel lot in the rear which contains approximately 6 parking spaces, however the site is located in D2 District which is parking exempt. No parking is required. Staff has requested that the two spaces in the front of the building be removed due to the close proximity to the public sidewalk along Miller. Planning staff has noted that the additional impervious surface and curb cut must be removed if directed by the Planning Commission. The petitioner has installed two class C bicycle parking spaces directly adjacent to the rear of the building. These spaces must be maintained as specified on the site plan by May 30, 2018 as a condition of the SEU approval.

Pedestrian Safety: Public sidewalks, in good condition, are present along Miller Avenue. There is no interior sidewalk connection to the public sidewalk.

Vehicular movement and traffic: The vehicle trips generated by a provisioning center are consistent with general retail uses found in D2 district, and surrounding land uses. This site has good access to and from Miller Avenue.

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 constant, continuously running activated carbon HEPA filters 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 locked carts in an area under surveillance with motion sensor lights at the rear of the building. Any marijuana waste will be made into an unusable form, tracked, and disposed of securely.

Hours of Operations: Normal hours of operation will be 10:00am to 8:00pm, Monday through Wednesday, 10:00 am to 9:00 pm Thursday, 9:00 am to 9:00 pm Friday and Saturday and 10:00am to 7:00pm on Sundays.

DEPARTMENT COMMENTS:

All relevant staff have reviewed the application, none offered any comments.

Prepared by Matt Kowalski

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

c: Petitioner: DAP Synergy, LLC
 423 Miller Avenue
 Ann Arbor, MI 48130

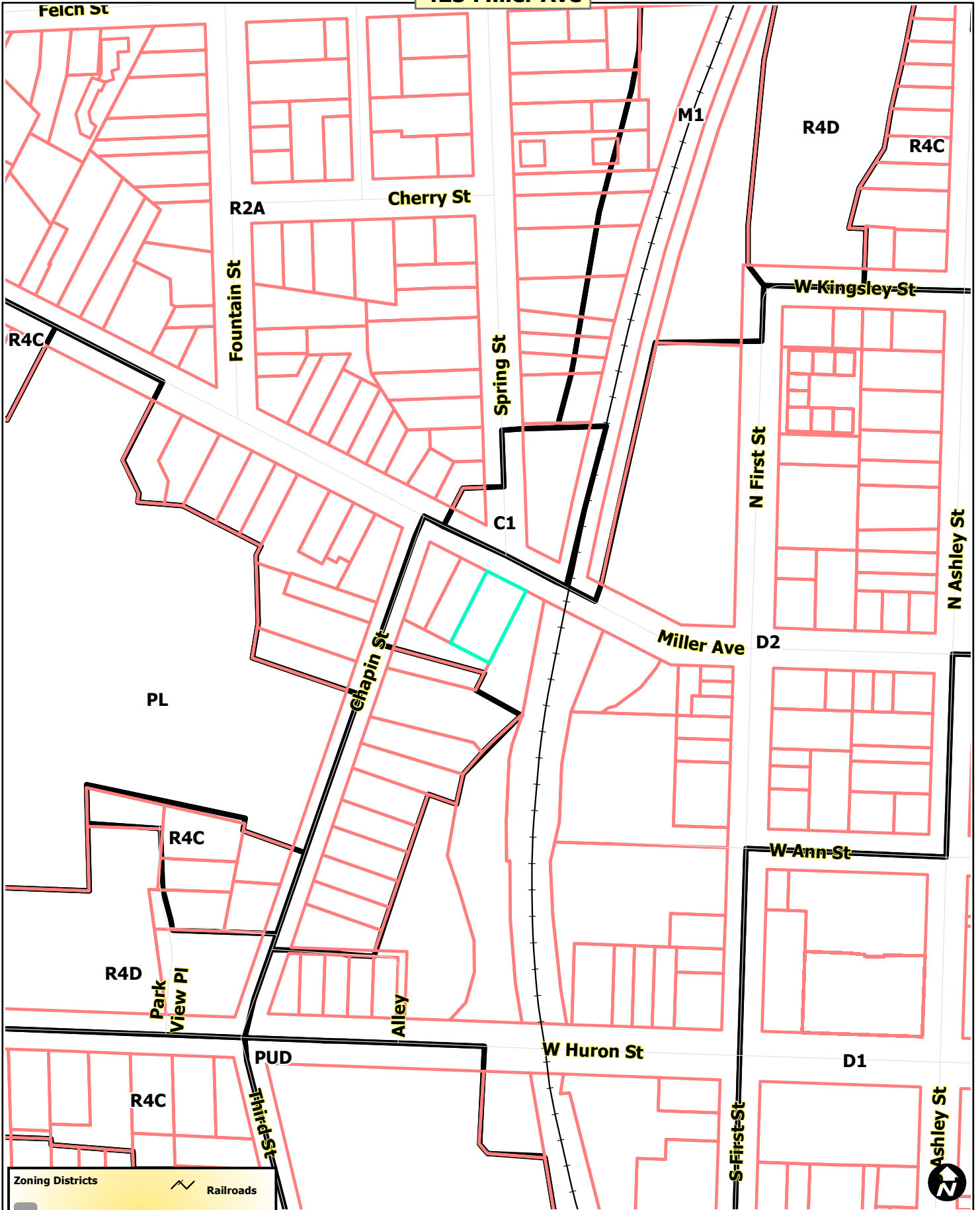
 Petitioner's Agent: Patrick Kinney
 423 Miller Avenue
 Ann Arbor, MI 48103

City Attorney's Office
Systems Planning
File No. SEU18-001

Front of Bloom City Club, August 2017 (google)



423 Miller Ave



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



Map date 1/19/2018
 Any aerial imagery is circa 2015
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423 Miller Ave



-  Railroads
-  Huron River
-  Tax Parcels






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