

**PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of February 18, 2021**

**SUBJECT: 2385 East Ellsworth Road**

**Amended Special Exception Use for Medical Marijuana Provisioning Center/Marijuana Retailer**

**Site Plan for Planning Commission Approval**

**File Nos. SEU20-007, SP20-024**

**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 (Marijuana Facility), and therefore amends the 2385 East Ellsworth Road Special Exception Use for a Medical Marijuana Provisioning Center/Marijuana Retailer. This amended approval is based on the following findings:

1. The proposed use remains consistent with the C1 (Local Business) District, which provides for commercial retail uses as well as office and residential uses.
2. The amended location of the proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. East Ellsworth Road provides access to the site, and the proposed use is consistent with other surrounding uses' traffic impact.
3. A site plan documenting the existing and proposed conditions of the site has been submitted in conjunction with this application.
4. Through documentation submitted by the petitioner regarding waste disposal, inventory tracking, security, and other methods of operation of the facility, the provisioning center/retailer in the amended location on the site will still 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. Previous conditions relating to timing and deadlines remain in effect, maintaining established expectations despite the amended physical form and location of the provisioning center/retailer on the site.

This amended Special Exception Use approval is based on the following conditions:

1. Approval of a site plan to redevelop the site for a marijuana provisioning center/retailer is approved by May 19, 2021.
2. A land division application to create the lots proposed on the site plan is submitted and approved prior to issuance of any permits or licenses.
3. The petitioner obtaining and maintaining both a State of Michigan Marijuana License and a City of Ann Arbor Marijuana Permit, and providing documentation to Planning Services by November 19, 2022.
4. The petitioner operating a marijuana business at this address by November 19, 2022.

### **PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby approves the 2385 East Ellsworth Site Plan dated January 25, 2021, subject to (1) approval of a land division as proposed, and (2) approval by the Washtenaw County Water Resources Commissioner, prior to issuance of any permits or licenses.

#### **SUMMARY:**

A site plan to redevelop the existing one-story building into a marijuana provisioning center/retailer by rearranging the parking lot, with improvements such as installing a conflicting land use buffer along the east side and storm water management.

And, a request to amend the special exception use approval to allow the approved marijuana provisioning center/retailer in the renovated existing building rather than a new building on the site.

#### **STAFF RECOMMENDATION:**

Staff recommends that the site plan be **approved**, subject to approval by the Washtenaw County Water Resources Commissioner, because the proposed development complies with all applicable state, local and federal laws, ordinances, standards and regulations, including limiting the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, and not causing a public or private nuisance or detrimental effect on the public health, safety or welfare.

Staff recommends that amendments to the special exception use be **approved with conditions** because, with the proposed conditions, the amended special exception use continues to be 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 amended use, its nature and intensity, the site layout and access, and effect of the amended use on public services would not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood.

#### **LOCATION:**

This site is located on the north side of East Ellsworth Road between Shadowood Drive and Jonathan Court, in the south planning area. Ward 3.

#### **DESCRIPTION:**

Site Plan – A site plan has been submitted for approval to redevelop a single-story commercial development into a marijuana provisioning center/retailer. The existing 2,533-square foot building will be renovated without any increase in floor area or building height. Site improvements and redevelopments include:

- Reducing and rearranging the parking lot into a 4,000-square foot, 9-space parking lot.
- Installing a 15-foot wide conflicting land use buffer along the east side.
- Proving a trash and recycling enclosure.
- Installing an underground storm water management system.

The northern 55 feet of the site will be divided to create a separate, vacant 5,225 square foot lot. All impervious surface will be removed as part of the site redevelopment.

Amended Special Exception Use – The applicant requests an amendment to the approved special exception use conditions to allow the marijuana provisioning center/retailer in the existing building rather than a new building constructed south of the existing building. All other aspects of the approved special exception use ([petition](#)) would remain the same as previously proposed and approved, such as the operations statement, safety and security plan, odor control, waste disposal plan and hours of operation.

**SURROUNDING LAND USES AND ZONING:**

	LAND USE	ZONING
NORTH	Multiple-Family Residential Playground	C1 (Local Commercial)
EAST	Multiple-Family Residential	R4A (Multiple-Family Residential)
SOUTH	Municipal Services (Wheeler Center)	PL (Public Land)
WEST	Multiple-Family Residential Playground	C1

**SPECIAL EXCEPTION USE STANDARDS:**

The Planning Commission, in arriving at its decision relative to any application for a special exception, shall apply the general standards per Section 5.29.5 as well as the use specific standards for provisioning centers/retailers per Section 5.16.3.G.

General SEU Standards – TThe general standards for special exception uses set forth in Section 5.29.5, as applied to this petition, are summarized with staff analysis as follows:

- *Master Plan consistency:* (The [City Master Plan](#) includes 8 elements, adopted individually between 2009 and 2017, and together by resolution in 2015.) Together, the City Master Plan elements seek to guide the City towards sustainability, conservation, and increasing livability, affordability, transportation choices, and dense, mixed uses on vibrant, active, friendly streets. The [Land Use Element](#) recommends commercial use for this site.
- *Compatibility with the general vicinity:* The use is compatible with other adjacent uses in the general vicinity.
- *Consistent with the neighborhood and not detrimental:* General retail use is in compatible with the surrounding neighborhood, which includes multiple-family and single-family homes. Provisioning centers are proving to be similar to general retail uses in intensity and character. It should be noted that several residents have written to oppose the proposed use.
- *Parking:* The site has enough space to accommodate a 1,500-square foot commercial building to host the proposed use, and all required development standards such as off-street parking.
- *Pedestrian Safety:* Public sidewalks, in good condition, are present in front of this site on East Ellsworth Road. There are some gaps in the sidewalk system farther from this site.
- *Vehicular movement and traffic:* The vehicle trips generated by a provisioning center are consistent with general retail uses found in commercial districts.

- *Natural Features*: There are on natural features on this site. There is a landmark street tree whose critical root zone extends onto this site.

Marijuana Provisioning Center/Retailer Use Specific Standards – The following information is required for provisioning centers/retailers per Section 5.16.3.G and may be used to help inform whether the general SEU standards have been met.

- An operations statement that describes the life cycle of marijuana on site, and general business operations – see attachment
- A safety and security plan that addresses marijuana, customers, employees, and the neighborhood – see attachment
- A description of methods to be used to contain all odors within the building – see attachment
- A waste disposal plan for marijuana – see attachment
- Hours of operation – Monday-Saturday, 9am-9pm. Sunday, 10am-6pm.

This required additional information is attached to this document as well as linked [here](#).

#### **PLANNING STAFF COMMENTS:**

Staff find that the requested amendment to the special exception use approval conditions do not change or negate the previous findings. It could be argued that the amended use in the existing building is more compatible with the surrounding neighborhood because it does not increase the number of commercial buildings or amount of commercial uses in the vicinity.

#### **DEPARTMENT COMMENTS:**

Development review staff have reviewed the application. None offer any comments regarding the amended special exception use. All have found the proposed site plan meets the applicable development standards, except for the outstanding approval by the Washtenaw County Water Resources Commissioner who is still reviewing the storm water management system design.

#### **BACKGROUND:**

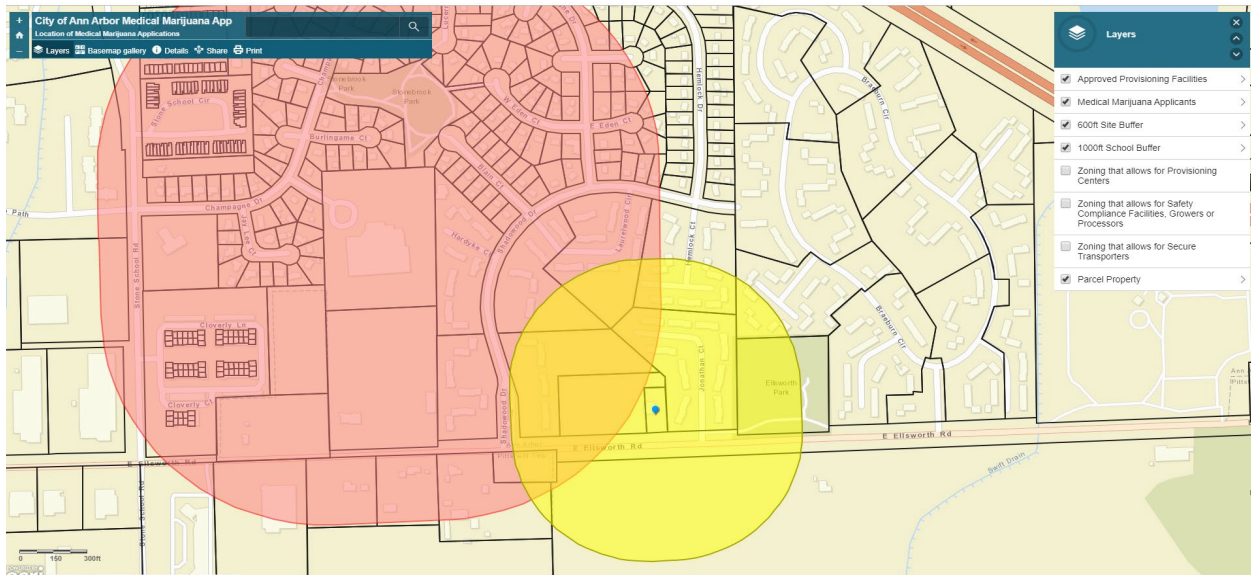
A special exception use for a marijuana provisioning center/retailer was approved at this site, subject to approval of a site plan for a new building to be constructed within one year and a land division to create two lots, on November 19, 2019. (SEU18-034; SP19-036, -037)

The coronavirus pandemic caused unexpected delays to most aspects of development, including preparing, submitting and reviewing site plans. The applicant realized they were unable to meet the condition for site plan approval by November 19, 2020. They

requested an amendment to the special exception use approval conditions to extend the site plan approval deadline by six months, to May 19, 2021. (SEU20-007)

During this extended time, the applicant decided to redesign the site for economy and efficiency and propose the approved use inside the existing building rather than constructing a separate building. The proposed site plan reflects this new concept. (SP20-024; SEU20-004)

**MAP:**



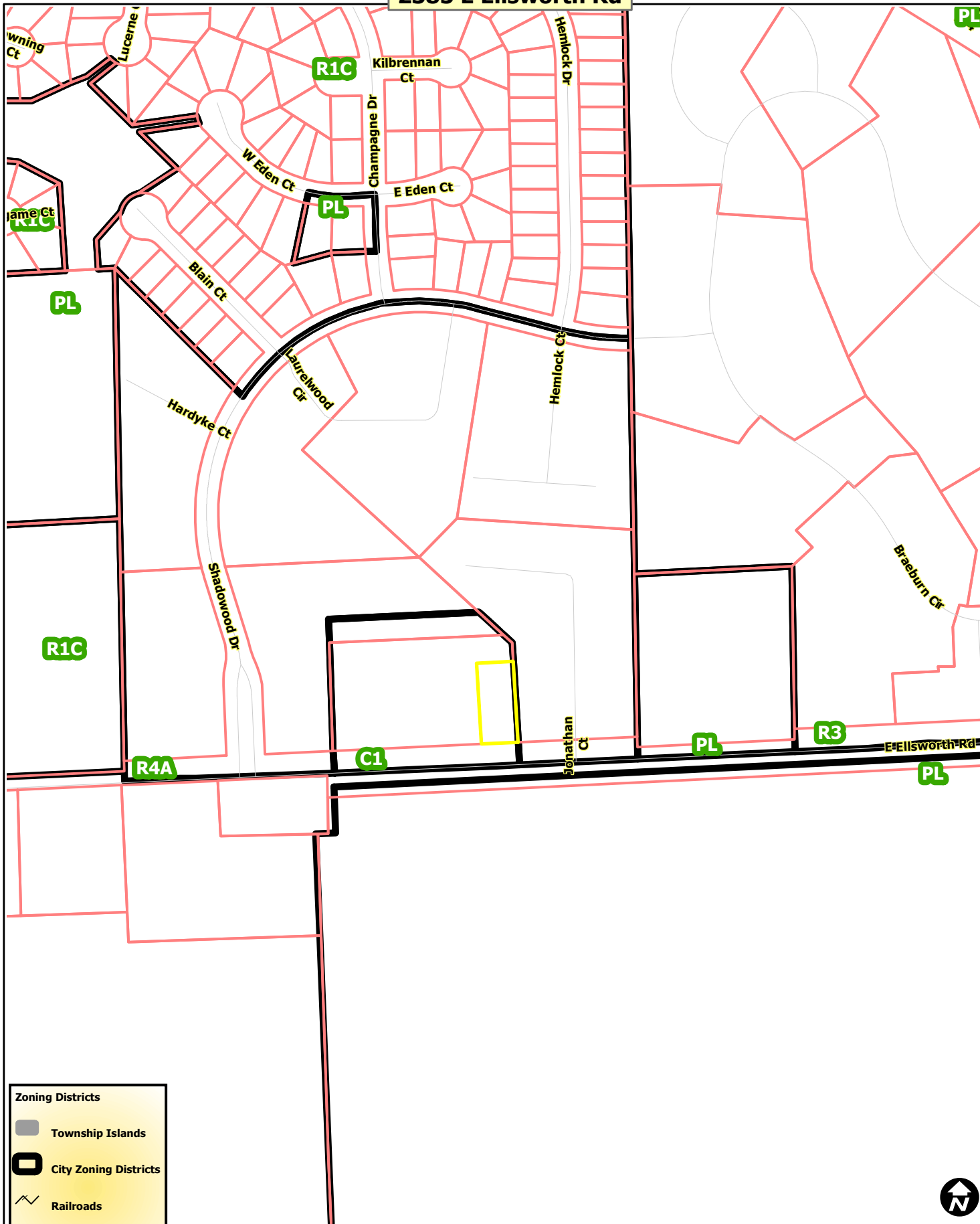
*Figure 1: Marijuana Facility Buffer Map*

Prepared by Alexis DiLeo, City Planner  
Reviewed by Brett Lenart, Planning Manager  
2/11/21

Attachments: Zoning/Parcel Maps  
Aerial Photo  
SEU Additional Required Information  
Site Plan (1-25-21)

c: Petitioner – Comercial Services Property Management Inc. (28500 Franklin Rd., Southfield, MI 48322, stevensoka@gmail.com)  
Property Owner – 2385 E Ellsworth Road, LLC (28500 Franklin Rd., Southfield, MI 48322)  
Petitioner’s Agent – Michigan Medical Cannabis Consulting, LLC (Brian Fenech, m2c2@gmail.com)  
City Attorney’s Office  
Systems Planning  
Files

# 2385 E Ellsworth Rd



**Zoning Districts**

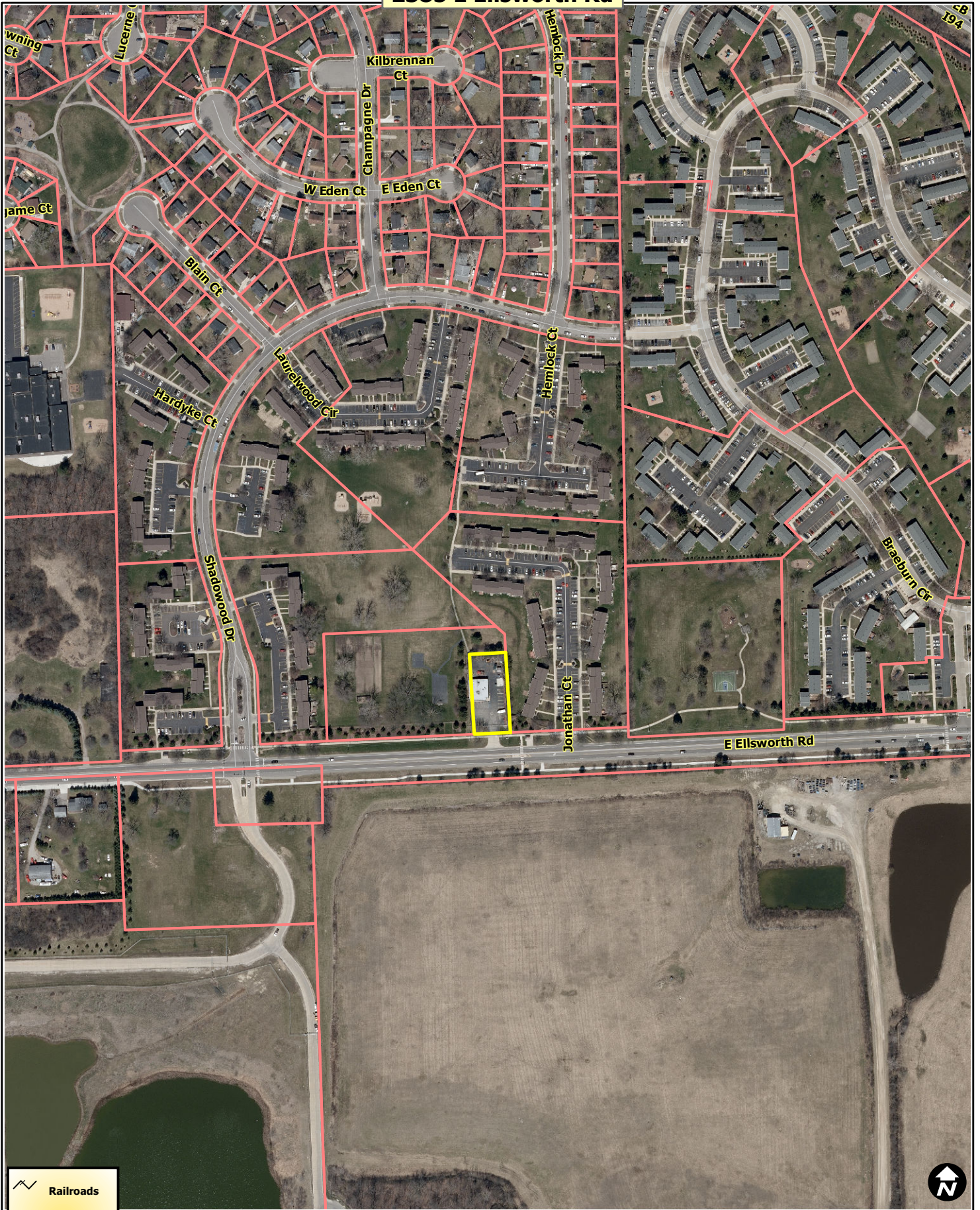
- Township Islands
- City Zoning Districts
- Railroads
- Huron River
- Tax Parcels






Map date: 9/17/2019  
Any aerial imagery is circa 2018 unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)



# 2385 E Ellsworth Rd



-  Railroads
-  Huron River
-  Tax Parcels






Map date: 9/17/2019  
Any aerial imagery is circa 2018 unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)



2385 E Ellsworth Rd



-  Railroads
-  Huron River
-  Tax Parcels



Map date: 9/17/2019  
Any aerial imagery is circa 2018  
unless otherwise noted  
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