

## PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of August 8, 2018

**SUBJECT: 1251 North Main Special Exception Use and Site Plan (1251 North Main Street) File No. SEU18-023**

### **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 (Medical Marijuana Facility), and therefore approves the 1251 North Main Special Exception Use for a medical marijuana Provisioning Center.

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 **denied** due to the impact of the proposed use on traffic and safety along North Main. Staff recommendation for denials is based on the following findings:

1. The proposed use will adversely impact traffic, pedestrians, bicyclists, circulation along North Main Street.
2. The traffic impact from the proposed use could result in unsafe movements to and from North Main Street and the immediate vicinity.
3. There is no bicycle or pedestrian connection to the site to allow safe non-motorized travel.

### **LOCATION**

The site is located on the west side of North Main Street at Lake Shore Drive, is in the Huron River 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 C3, Fringe Commercial District. Per the Unified

Development Code, Chapter 55, C3 zoning allows medical marijuana provisioning centers with special exception use approval.

The 43,587 square foot site contains a 4,022 square foot, two-story retail building currently used as an auto repair business. The provisioning center will occupy 2,700 square feet of the building while the remaining building area will be used as storage and warehouse space. There are 9 spaces required for the proposed size of only the retail space. However, a total of 13 vehicle parking spaces are required if the entire building was used for retail. The total amount of required parking is based on the most parking intense use proposed which would be retail(provisioning center). The 13 required parking spaces is based on the total area of the building since additional(not a provisioning center) retail businesses can move in without Special Exception Use approval. The petitioner will be adding one Class B bicycle parking space near the front entrance. The petitioner proposes to remove 2,134 square feet of impervious surface at the front of the parcel, construct a new curb, and reduce the width of the existing curb cut.

### **PLANNING BACKGROUND**

The C3 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* for this site and *parks and open space* 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 Chapter 55 Section 5.16.3.G.7 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](http://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 commercial uses for this location, with which the proposed use is consistent.

Compatibility with the general vicinity: There are no other commercial uses immediately adjacent to the property. Adjacent to the north, south, and west is Bluffs Park. Across North Main are office uses and Lakeshore Drive, which is used to access Bandemeer Park.

Consistent with the neighborhood and not detrimental: The subject parcel is an isolated commercial use surrounded on three sides by park land. The Traffic engineer has expressed concern with vehicles entering and exiting the site and the potential for increasing conflicts with vehicles along North Main.

Parking: The retail use of the entire building requires 13 vehicle parking spaces (including one barrier free space). As stated previously, although only 2,700 square feet is proposed for retail use at this time, the parking requirement is based on the total size of the building. Petitioner will add parking bumper blocks and stripe to delineate the parking area and remove 2,134 square feet of impervious area according to the submitted site plan. This should be a requirement of any Planning Commission approval.

Pedestrian Safety: No public sidewalks are present along the west side of North Main Street, so there is no sidewalk connection to the site. There is a sidewalk along the east side of North Main, but no pedestrian crossing is available in this area.

Vehicular movement and traffic: The traffic engineer has recommended denial based on significant concerns regarding the turning movements to and from the site as well as the overall level of service for the driveway. The trip generation projected a significant increase in delays for vehicles at the driveway, which may result in some risk taking from motorists.

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 10:00am to 9:00pm, Monday through Saturday, and 11:00am to 6:00pm on Sundays.

### DEPARTMENT COMMENTS

Traffic Engineer – The City’s Traffic Engineer does not recommend approval of this petition based on traffic impact and safety concerns please see review comments listed under Vehicular Movement and Traffic above.

Planning – Planning Staff supports the Traffic Engineer’s recommendation for denial due to potentially unsafe traffic movements to and from the site and a lack of available access for pedestrians and cyclists.

Prepared by Matt Kowalski

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

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File No. SEU18-023

Front of 1251 North Main, August 2017 (google)

