

**PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of June 5, 2018**

**SUBJECT: 3152 Packard Special Exception Use and Site Plan (3152 Packard Road)  
File No. SEU18-008**

**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 3152 Packard 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 C2B Business Service 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. Packard Road 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 special exception use may occupy no more than 1,150 square feet of the entire building.
4. The petitioner will install a minimum of one class B bicycle parking space, as shown on sheet C3 of the plan set. The bicycle parking space must be installed by August 30, 2018.

5. The petitioner will repair or replace the failing sections of privacy fence on the rear lot line, and remove all uncontained trash from the rear yard by July 1, 2018.

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 south side of Packard Road, east of Creek Drive and west of LaSalle Drive. It also front St. Aubin Avenue, which is a public street that provides parking for nearby businesses. It is in the Swift Run subwatershed, and Ward 3.

### DESCRIPTION OF PETITION

The petitioner seeks special exception use approval to operate a medical marijuana provisioning center in an existing building zoned C2B Business Service District. Per the Zoning Ordinance, Chapter 55, C2B zoning allows medical marijuana provisioning centers with special exception use approval.

The 6,998 square foot site contains a 2,291 square foot, single-story retail building constructed between 1950 and 1960 . The provisioning center occupies one half of the building, and is approximately 1150 square feet. No changes to the site are proposed by the petitioner.

### SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Preschool, office	O Office District
EAST	Mixed retail	C2B Business Service District
SOUTH	Single family residences	R1C Single Family Dwelling District
WEST	Retail/restaurant	C2B Business Service District

## HISTORY

Looking at this block of Packard between Creek Drive and LaSalle Drive, a 1947 aerial photo shows the area as a large farm. In 1960, 3152 Packard and its neighbor to the east are present, but as yet there are no other commercial buildings. The western half of the commercial block was built out by 1966, including the St. Aubin parking lot, and the eastern half by 1979. More recently, a certificate of occupancy was issued to the previous tenant, Packard Pharmacy, in 2016.

## PLANNING BACKGROUND

The C2B Business Service 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. It is across the street from May's Bilingual Preschool.

The *Master Plan Land Use Element* recommends a future land use of *commercial* for this South Area site and other parcels on the block with frontage on the south side of Packard.

## 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](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.

South Area Plan: The master plan recommends commercial uses for this location, with which the proposed use is consistent.

Compatibility with the general vicinity: This block fronting Packard has a great variety of uses, including retail (grocery, merchandise) restaurants, health care, barber, and dry cleaning services.

Consistent with the neighborhood and not detrimental: The intensity and character of the business is compatible with neighboring businesses. There are single-family homes immediately behind this lot, which will require increased vigilance by the business owner to address odor control and insuring that no marijuana is consumed on the site.

Parking: The site has no formally defined parking spaces. Behind the building is a large area of asphalt suitable for employee parking. St. Aubin provides eight public parking spaces immediately in front of this building, and many more in the remainder of the lot. This parking is convenient to customers and functions adequately to meet parking requirements.

One class B bicycle parking space is required. The petition states that four class C spaces are located in front of the building, but the rack is clearly intended for use by the bicycle shop next door since it is facing away from this building. Conditions of the petition require the installation of at least one class B covered bicycle parking space behind the building for employee use. The area behind the building is paved and has access from a paved alley.

Pedestrian Safety: The public sidewalk immediately in front of 3152 Packard (abutting this site along St. Aubin) looks cracked, but it was determined by the Sidewalk Program in 2016 that it didn't meet their criteria for needing replacement (based on vertical deflection between the slabs). Concrete is not based solely on the basis that it is cracked, since that alone doesn't mean the sidewalk is failed. Pedestrian circulation around the site is good.

Vehicular movement and traffic: The vehicle trips generated by a provisioning center are consistent with general retail uses found in the C2B district, and surrounding land uses along Packard. This retail center has good access to and from Packard via St. Aubin Street.

Natural Features: There are no natural features on the site.

*Additional required Medical Marijuana SEU information:*

Operations Plan: The attached plan describes deliveries, daily procedures, patient processing, sales, and more.

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. This petition's plan describes training, security mechanisms, risk reduction, and more.

Odor Control: Lack of odor control is the most frequent complaint heard by staff about provisioning centers. This petition describes controlling odors through monitoring temperature and humidity levels, and maintaining HEPA filters on the HVAC system.

Waste Disposal: Medical marijuana waste will be stored securely on site, and transported to a landfill or compost facility approved by the state.

Hours of Operations: Monday through Saturday 11am to 7pm; Sunday 12pm-5pm.

## DEPARTMENT COMMENTS

Engineering: Hydrant coverage is met for this site.

Planning: The petitioner proposes to install a class B bicycle parking space to the east of the front door, under the existing awning. A new concrete pad will be poured next to the existing paved walk.

Staff recently received a request from a neighbor to have the fence along the rear property line repaired (sections are falling into the neighbor's yard) or replaced, and also to have loose trash near the fence cleaned up to prevent it from entering his yard. Staff has relayed this request to the petitioner, and included it as a condition of approval.

Prepared by Brett Lenart/Jill Thacher

Attachments:   Zoning/Parcel Maps  
                  Aerial Photo  
                  SEU Petition Application  
                  SEU Application Attachments  
                  Provisioning Center/School Locator Map  
                  Site/Landscape Plans as necessary  
                  Floor Plan

c:   Petitioner:       HuronView  
                          3152 Packard Rd  
                          Ann Arbor, MI 48108

                  Petitioner's Agent:       Phillip E. Hamilton

City Attorney's Office  
Systems Planning  
File No. SEU18-008

3152 Packard Rd, April 2018

