

## **PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of April 3, 2018**

**SUBJECT: 1818 Packard Special Exception Use and Site Plan (1818 Packard Road)  
File No. SEU18-003**

### **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 1818 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 C1 Local Business 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 petitioner will stripe all parking spaces on the site according to the site plan sheet c1.0. The petitioner will remove three parking spaces adjacent to Packard as shown on site plan sheet c1.0.
4. The petitioner will install two Class C and one Class B bicycle parking spaces as shown on sheet c1.0 The parking spaces must be installed by May 30, 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 west side of Packard Road, south of East Stadium is in the Malletts Creek subwatershed, and Ward 4

### **DESCRIPTION OF PETITION**

The petitioner seeks special exception use approval to operate a medical marijuana provisioning center in an existing building zoned C1 Local Business District. Per the Zoning Ordinance, Chapter 55, C1 zoning allows medical marijuana provisioning centers with special exception use approval.

The 11,422 square foot site contains a 2,570 square foot, one-story retail building constructed in approximately 1960. The provisioning center is the only building on the site. There are 11 vehicle parking spaces and the petitioner will be adding 2 Class C and one Class B bicycle parking space. 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 *commercial* for this site and for surrounding parcels along Packard Road.

### **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.

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 residential uses immediately adjacent on the north side and west side of the property. Adjacent to the south is a towing and auto repair facility. The site has been in commercial uses for at least 60 years and is not unlike the other retail businesses along Packard Road.

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 15 parking spaces, however three are proposed to be removed due to the proximity to the sidewalk and two will be removed for installation of required bicycle parking. The current site plan shows 10 parking spaces (minimum code requirement) including the addition of one barrier-free space. The site plan specifies one class B and two class C bicycle parking spaces. These must be reinstalled 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 Packard Road. 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 C1 district, and surrounding land uses. This site has good access to and from Packard Road.

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 four constant, continuously running 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 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 Wednesday, 10:00 am to 10:00 pm Thursday and Friday, 11:00 am to 10:00 pm Saturday and 11:00am to 8:00pm on Sundays.

#### **DEPARTMENT COMMENTS:**

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

Prepared by Matt Kowalski, Updated by Brett Lenart (4-2-18)

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

c:    Petitioner:        Rhory Gould  
                              5537 Overbrook Drive  
                              Ann Arbor, MI 48105

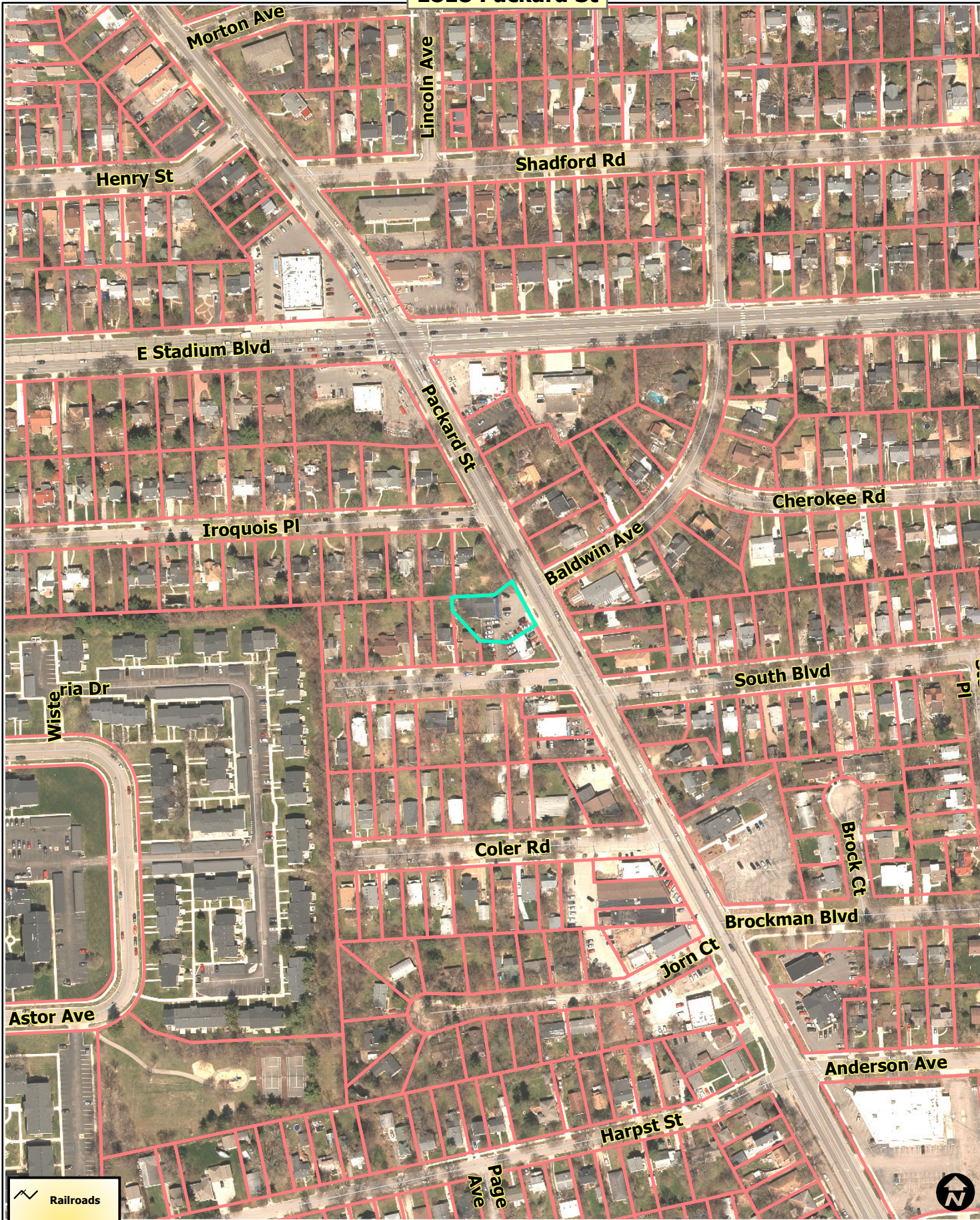
                          Petitioner's Agent:        Damian Farrell  
                                                  Damian Farrell Design Group  
                                                  359 Metty Drive, Suite 4A  
                                                  Ann Arbor, MI 48103




City Attorney's Office  
Systems Planning  
File No. SEU18-003

Front of 1818 Packard Road, August 2016 (Google, Inc.)



**1818 Packard St**

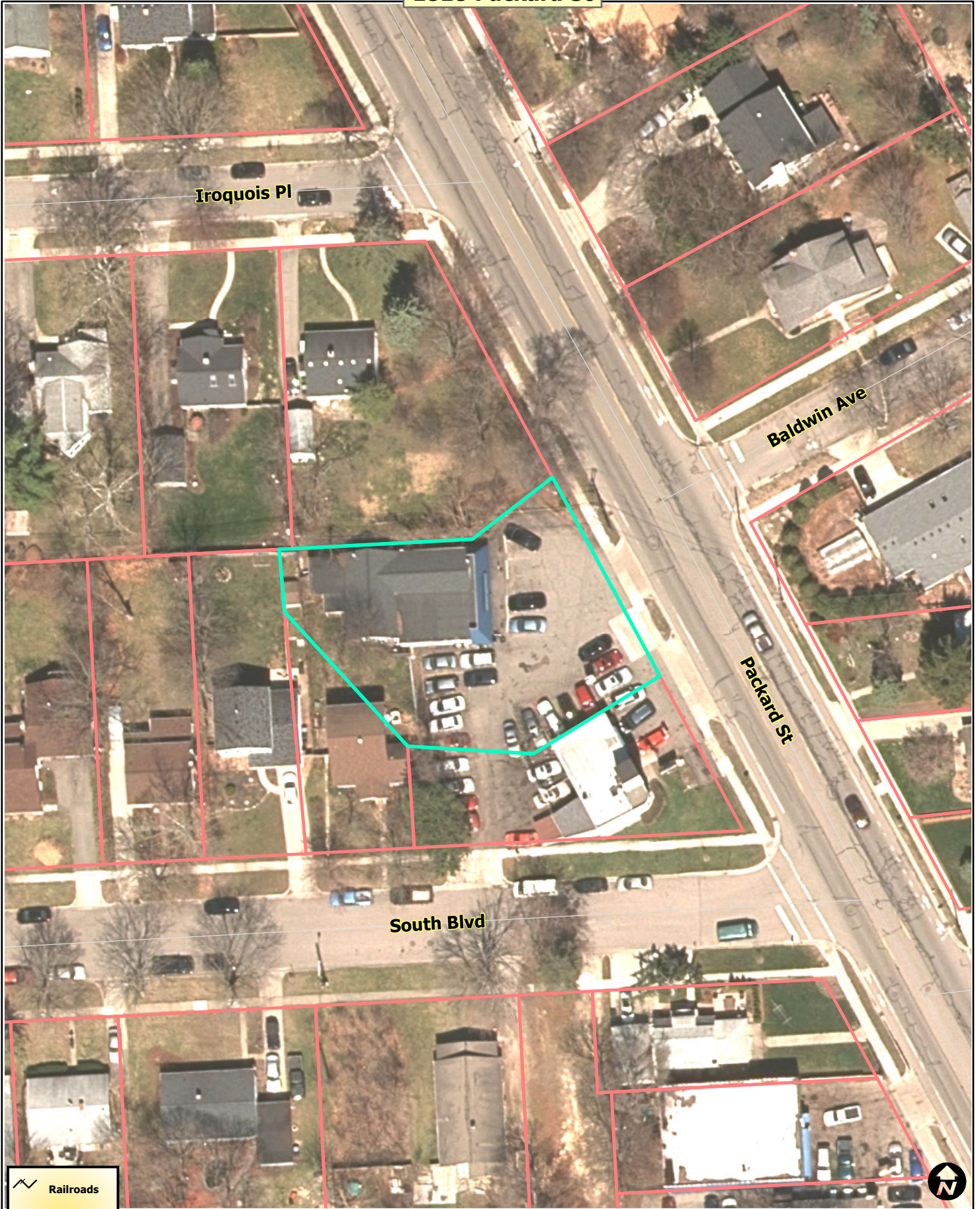




 Railroads  
 Huron River  
 Tax Parcels



Map date 1/22/2018  
Any aerial imagery is circa 2015  
unless otherwise noted  
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**1818 Packard St**

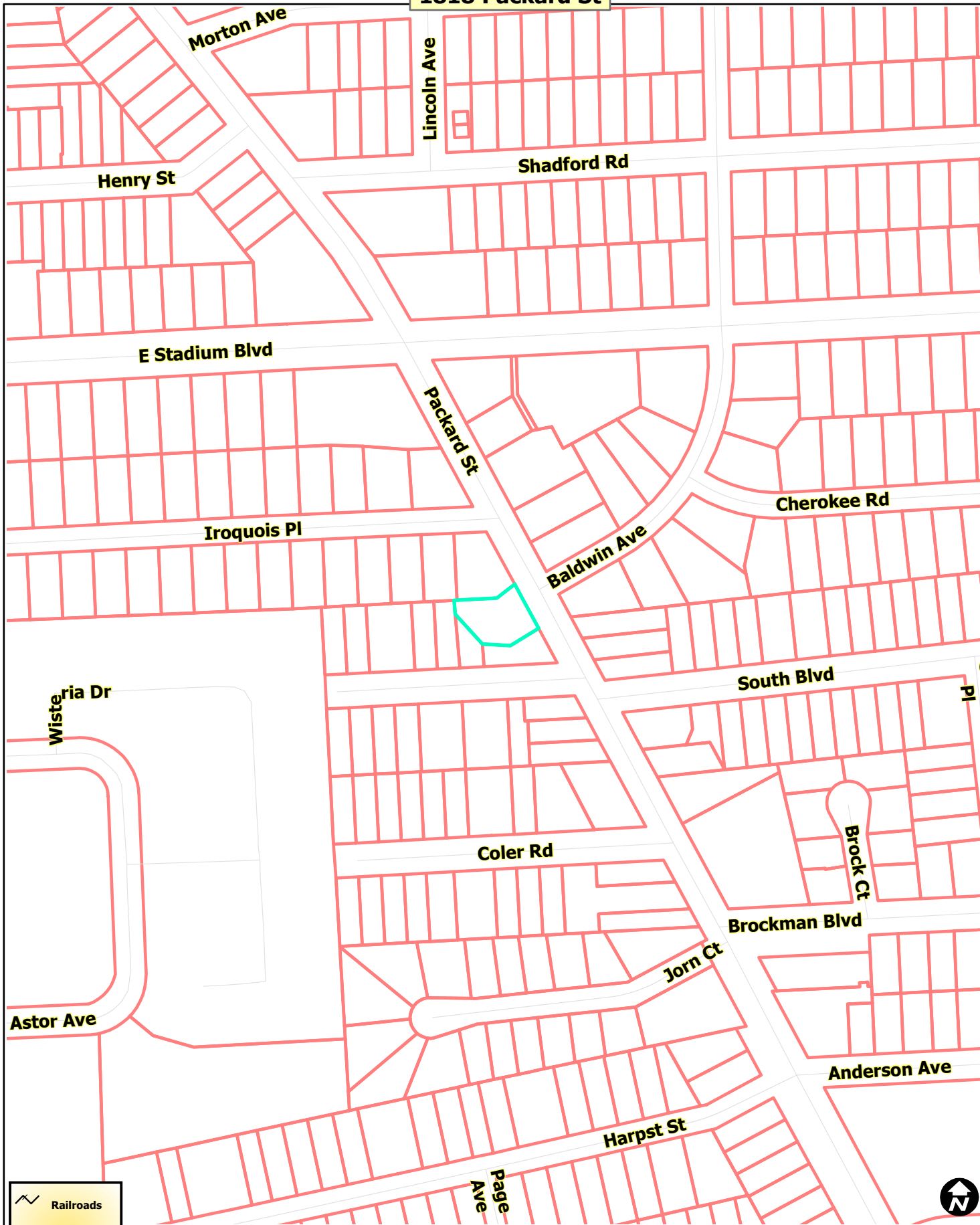


-  Railroads
-  Huron River
-  Tax Parcels



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**1818 Packard St**



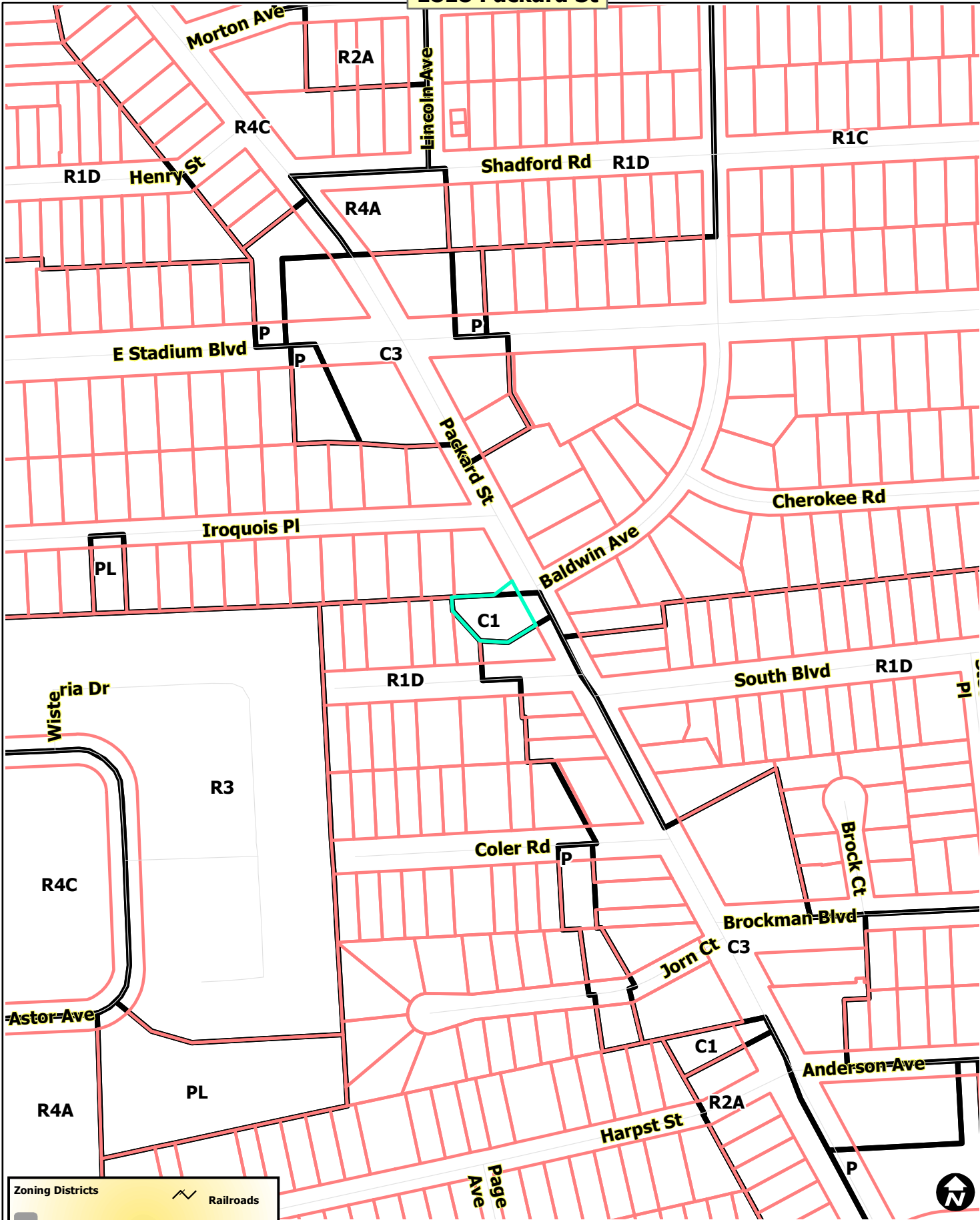
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**1818 Packard St**

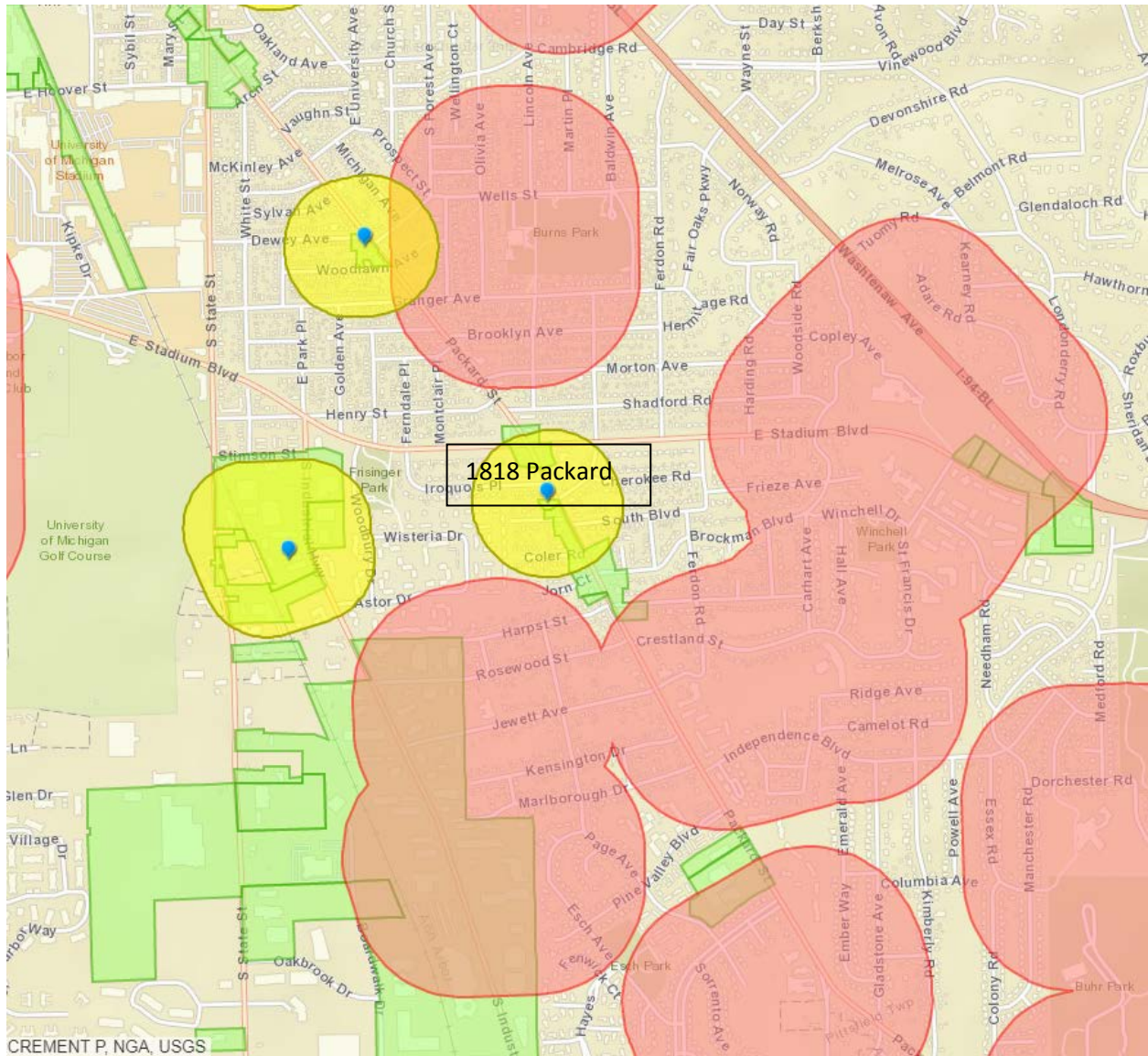


|                         |             |
|-------------------------|-------------|
| <b>Zoning Districts</b> | Railroads   |
| Township Islands        | Huron River |
| City Zoning Districts   | Tax Parcels |



Map date 1/22/2018  
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# 1818 Packard, Provisioning Center Map



Yellow – 600 ft. Buffer - Proposed Provisioning Centers

Red – 1,000 ft. Buffer – K-12 Schools

Green – Provision Center – eligible zoning

# Damian Farrell Design Group

359 Metty Drive, #4A / Ann Arbor / Michigan  
734.998.1331 / DFDGonline.com



**ArborSide Consumer Protection SEU Application** 1818 Packard  
Ann Arbor, MI 48104

For SEU Application - 1.25.18  
Pre-submittal Meeting - 1.22.18

## **Attachment B – Statements**

### **Operation Statement:**

The typical life cycle of our medication, whether marijuana and/or marijuana-infused products enter the facility brings its medication into our Intake Office where the product lab test results are reviewed by a dedicated Intake Manager. The Intake Manager will also examine the product for any condition such as mold or other disqualifying factors that affect the quality of the medication.

Flower – The product is weighed, logged into our system and is locked in “Safe Room 1” until the medication is ready for separation into prescription quantities.

Concentrate – The product is taken in with the same process [Above] then stored in the “Stock Room” and controlled by the Intake Manager.

ANNA – Cafeteria

Due to the implementation of the Revel POS (Point of Sale) pre-packaged barcode system and our patient workflow there is only one (1) shift manager and one (1) assistant manager handling incoming donations. At shift end the shift manager confirms the hard count against the POS shift end report. The hard count takes place in the “Intake/Accounting” office secured. The donations (Money) is then transferred to “Safe Room 1” and put into the assigned safety deposit box for the shift.

The Medication be it Flower, Concentrate or Edible is always stored in The “Stock Room” at all times except for the sample jars for the patient to choose the strain and type. The Concentrate and Edible medications are collocated in the locked “Stock Room” except for the sample products kept in glass show case(s). Once the patient selects the type and quantity the order is processed in the locked “Stock Room” the pre-packaged Flower medication and the Concentrate and Edible medication is fulfilled and the donation is received the medication given to the Bud Tender for the patient.

The medication life cycle is a short-term turn around to our patients. Due to the amount of patients visiting our facility we an average of sixteen (16) day after which new medication stock is brought in.

### **Safety & Security Plan:**

The safety and security of our patients and staff are foremost in our planning; this begins with our O&C (Opening and Closing) procedure. When the Shift Manager and Assistant Shift Manager arrives at the location to open the cameras are received on their mobile device in order to assure that there are no individuals "laying in wait" either outside or within the facility. Once they assure the property is safe they exit their vehicle(s) to unlock the facility and disarm the Intrusion Detection System. A sweep of the building is performed for safety, security and cleanliness.

General cleaning of the exterior and interior is performed multiple times daily to ensure no slip and fall hazards are present, any physical repairs necessary are reported via email to upper management and corrected immediately.

All medication and donation are always locked in "Safe Room 1", "Safe Room 2" and "Stock Room". All Samples of Flower, Concentrate and Edible medication is taken from safe rooms and/or stock room are counted and placed in the locking glass showcases. The cash draw is retrieved from "Safe Room 1" and placed in register located in "Stock Room" which is under lock at all times.

Arborside is protected by a high resolution IP/CCTV system with 4MP (Mega Pixel) cameras, interior and exterior, all cameras are equipped with infra red illumination to one hundred and sixty feet (160') for full image in absolute darkness. There are four (4) monitor locations, Main Office/Production, Stock Room, Accounting/Intake and kitchen. The cameras can also be viewed on authorized computer(s), tablet(s) or smart phone.

The NVR (Network Video Recorder) has an embedded OS (Operating System) to assure continuous operation without data loss. The NVR has 4TB (Tera Bytes) in order to store thirty (30) days on site as well as simultaneously streaming to the cloud for mirrored recording in the event of local video is not available.

Arborside is protected from break in and panic by a Honeywell commercial Intrusion Detection system. All points of ingress/egress are contacted and set in the enunciate door opening, including when system is in the disarmed position. All internal areas including Lobby/Reception, Retail Area, Accounting/Intake, Stock Room, Main Office/Production, Safe Room 1, Safe Room 2, Kitchen and all attic areas are covered by Dual Technology Motion Detectors so in the event of a wall or roof breach the Intrusion System will activate. The Intrusion System is also equipped with four (4) Wireless Supervised panic button (s) located at Front Reception Desk Main Office/Production and one roving Panic Button with the Shift Manager to ensure Patient and Employee safety.

### **Odor Mitigation:**

Arborside utilizes four (4) active HEPA filters in order to mitigate odors and any airborne particulate such, as dust, in its facility. The HEPA filter in the kitchen are exhausted thru an additional fan motor located in the attic area to ensure any cooking odors are

mitigated before venting atmospherically. No hazardous waste is release within or outside of the facility.

**Waste Disposal:**

Due to the nature of our facility all normal refuse is placed in normal refuse containers provided by our carting service, Arborside has two (2) such receptacles. These receptacles are place street side for normal trash removal as they never contain any medical residual product.

Any waste that may contain any medical plant and/or concentrate is stored in a twenty (20) gallon Red Receptacle marked "Non Bio-Hazardous Medical Waste".

Arborside has dedicated an employee that moves the "Non Bio-Hazardous Medical Waste" as well as all recycling twice weekly and disposes of the material(s) at an approved dump within Ann Arbor.

**Hours of Operation:**

|                     |             |
|---------------------|-------------|
| Monday - Wednesday: | 10AM - 9 PM |
| Thursday - Friday:  | 10AM - 10PM |
| Saturday:           | 11AM - 10PM |
| Sunday:             | 11 AM - 8PM |

# Damian Farrell Design Group

359 Metty Drive, #4A / Ann Arbor / Michigan  
734.998.1331 / DFDGonline.com



Application For Special Exception Use – 1.25.18  
(Pre-submittal Meeting, 1.22.18)

A. 1818 Packard Street  
Ann Arbor MI, 48104

## Legal Description:

The land referred to in this Commitment is located in the City of Ann Arbor, County of Washtenaw, State of Michigan, and described as follows:

### PARCEL 2:

Part of Lots 39, 40, 41 and 42, South Park, as recorded in Liber 2 of Plats, Page(s) 36, Washtenaw County Records, more particularly described as: Beginning at the Northeast corner of Lot 41 of said Subdivision, and proceeding thence along the Southwesterly line of Packard Street, South 25 degrees 15' 00" East 73.07 feet; thence South 65 degrees 06' 20" West 58.40 feet; thence North 84 degrees 41' 59" West 58.05 feet; thence North 36 degrees 35' 35" West 79.85 feet; thence North 00 degrees 09' 00" West 10.75 feet; thence North 25 degrees 15' 00" West 11.17 feet; thence North 89 degrees 51' 00" East 132.00 feet to the POINT OF BEGINNING. Also that part of Lot 110 of Frisinger Land Company's Second Subdivision, as recorded in Liber 9 of Plats, Page(s) 37, Washtenaw County Records, described as: Beginning at the Southeast corner of Lot 110 of said subdivision and proceeding thence North 25 degrees 46' 00" West along the Southwesterly line of Packard Street, 30.85 feet; thence Southwesterly 45.00 feet to a point on the Southerly line of said Lot 110 which is South 89 degrees 51' 00" West 48.30 feet from the place of beginning; thence North 89 degrees 51' 00" East 48.30 feet to the POINT OF BEGINNING.

Commonly known as: 1818 Packard St., Ann Arbor, MI 48104.

B.

- Rhory Gould - CEO and Founder  
5537 Overbrook Drive  
Ann Arbor, MI. 48105  
734-604-4202
- Alex Stewart  
3001 Woodland Hills Drive, Apt. 24  
Ann Arbor, MI. 48108  
734-355-4710

C. Continued use as a Medical Marijuana Provisioning Center.

D. Section 3. 5:10 - C1 Local Business District, paragraph (4)

Special exception uses pursuant to section 5:104. (a) Medical marijuana provisioning centers, subject to section 5:50.1.

- The site is located in the C district
- The Site is not located within 1,000 ft. of an elementary school, or secondary school
- No person resides in the facility.
- No one under the age of 18 is allowed to enter, unless accompanied by a parent/guardian.
- No smoking, inhalation, or consumption of marijuana takes place on the premises.
- All Medical marijuana activities will take place indoors.
- No equipment or process will be used in which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.
- The facility will operate in compliance with the MMMA

E. (Land Use Plan)

1.

- a. The site is located in the South Area. The continued use as commercial retail is consistent with Land Use Element of the City

Master Plan. The petitioner is one of the eighteen permitted provisioning centers.

- b. There is no change to the existing impervious surface proposed (Goal A of section IV).
  - c. No additional development is proposed except for the addition of one Class C hoop (2 bicycle parking spaces), and one Class B covered bicycle parking space. This is to conform to Goal B of Section IV which is to reduce reliance on the automobile. The site is approximately 150 feet from two bus stops.
2. The business is located within an existing building. With no proposed addition to the existing building the facility will remain compatible with general character of the vicinity. In addition there are no planned changes to the operation currently existing, and the building will be maintained in its current form.
  3. The project is consistent with the character of the neighborhood. There is no proposed additional development. The use is to remain Commercial Retail. There is no residential component to the project which does not change density. The one story commercial building scale is compatible with the adjacent one-story commercial building, and houses.
  4. The petitioner is one of the original eighteen provisioning centers. To the best of our knowledge there have been no formal complaints. The owners have exceeded the minimum requirements for security. HEPA filters have been added to the interior of the building to preserve the peaceful enjoyment of the adjacent sites.
  5. No additional development is proposed, and therefore no additional effect on the natural environment is anticipated.
  6. Existing off-street parking is located within the front of the building. There is no conflict with pedestrian traffic with sidewalks being maintained in their current location. In addition, new bicycle parking (3 spaces) is proposed. The site is located within 150 ft. of a bus stop. Per Chapter 59 - Off-Street Parking, Section 5:167. - Required parking, the site requires (9) vehicular



parking spaces, and (1) bicycle parking space. (9) dedicated parking spaces are provided as well as (6) shared spaces with the adjacent commercial building to the south. The shared spaces are located on 1818 Packard Street.

7. According to the *number of peak hour trips* per Trip Generation Manual, traffic impact will not change. The use multiplier (specialty retail), remains the same as the prior use, and the building area is to remain as existing; therefore the peak number of trips does not increase. The site meets the off-street parking requirements. The site is located on Packard Road, south of Stadium Boulevard.
8. There is adequate vehicular maneuvering space; supported by the fact that there are no proposed changes to the site which has been functioning in its current arraignment for decades. The site has one dedicated curb cut, and one shared curb cut with the adjacent commercial property to the south. In addition there is secondary access to South Boulevard.
9. The existing site has more parking than required. Refer to point 6 above.
10. No new development is proposed. There are no required additional public services or facilities. ArborSide Consumer Protection is one of the original approved eighteen, approved provisioning centers. The use is to remain as retail, which has been in place for decades.

F. No variance is requested.