

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of May 16, 2018

SUBJECT: 450 South Main Street Special Exception Use with Site Plan for Planning Commission Approval

File No. SEU18-024

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 (Zoning Ordinance), Section 5:104 (Special Exceptions) and Section 5:50.1 (Regulations Concerning Medical Use of Marijuana), and therefore approves the 450 South Main Street 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 D2 (Downtown Interface) District, which provides for commercial and retail activities as well as office and residential uses.
2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. West Jefferson Street provides adequate 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. Submit a License Agreement Application prior to applying for a Zoning Permit and to enter into a License Agreement prior to applying for a Certificate of Occupancy to address the encroachment of the existing building in the public right-of-way.

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:

This site is located at the northwest corner of South Main Street and West Jefferson Street. Downtown Development Authority area, Downtown planning area, Ward 5.

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). Per the Zoning Ordinance, Chapter 55, the D2 district allows medical marijuana provisioning centers with special exception use approval.

The 5,000-square foot site contains a 2,500-square foot, two-story commercial building and 8 off-street parking spaces. The provisioning center will occupy one of the six tenant spaces.

SURROUNDING LAND USES AND ZONING:

	LAND USE	ZONING
NORTH	Downtown commercial	D2 (Downtown Interface)
EAST	Downtown residential	D2
SOUTH	Downtown commercial	D2
WEST	Downtown residential	D2

HISTORY AND PLANNING BACKGROUND:

The existing building was built in 1959, before modern site plans were required for development on platted lots. (Setbacks, height, floor area ratios, and other development standards were reviewed as part of building permit applications.) It is within the Downtown Development Authority area which was created in 1982. The survey provided as part of this petition revealed the existing building encroaches into the West Jefferson Street right-of-way by several inches.

The recommendations in the [2009 Downtown Plan](#) for the site and surrounding blocks to be zoned D2 base district and First Street character overlay district were achieved by the Ann Arbor Discovering Downtown (A2D2) rezoning approved in 2009.

Also of note, the frontage designation of the site per the Zoning Ordinance is secondary street. The [Downtown Street Design Manual](#), an approved policy, assigns the functional emphasis of both South Main Street and West Jefferson Street as “balanced” and the frontage context of South Main Street as “commercial” and “mixed” for West Jefferson.

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 to this document as well as linked.

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 [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. Recommendations specific to the site include the future land use recommendations in the [Downtown Plan](#) for downtown interface zoning designation and active streetlevel uses, which have been satisfied.

Compatibility with the general vicinity: The use is similar to other downtown retail establishments in its hours of operation, customer volumes, and general activities.

The existing development is well within the normal FAR limit, off-street parking requirements are satisfied by the on-site spaces in addition to the assumption of parking for private developments downtown by the on-street parking spaces and parking structures open to the public for the benefit of all downtown developments.

Consistent with the neighborhood and not detrimental: The intensity and character of the provisioning center are compatible with downtown activities. This petition is seeking approval to open a new business and so there is no history of complaints or compliments received. (Note that complaints have been received about the increasing number of provisioning centers in general.)

Parking: The site is in a parking-exempt area for developments at or below the normal FAR maximum. In those cases, off-street parking requirements are assumed by the on-street spaces and parking structures open to the public for the benefit of all downtown developments. One bicycle hoop, providing 2 spaces, is provided on the site at the rear near the main customer entrance.

Pedestrian Safety: Public sidewalks, in good condition, are present along South Main and West Jefferson as well as throughout downtown. The site has an 8-space parking lot where each car pulls in, and backs, out, over the public sidewalk. Statistically this is less safe for pedestrians than parking lots accessed by a traditional driveway.

Vehicular movement and traffic: The vehicle trips generated by a provisioning center are consistent with general retail uses found in D2 district. This provisioning center will have a neutral affect on vehicular movements and traffic patterns downtown.

Natural Features: There are no natural features on this 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 charcoal/carbon fans 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 8:00pm, Monday through Saturday, and 11:00am to 6:00pm on Sundays.

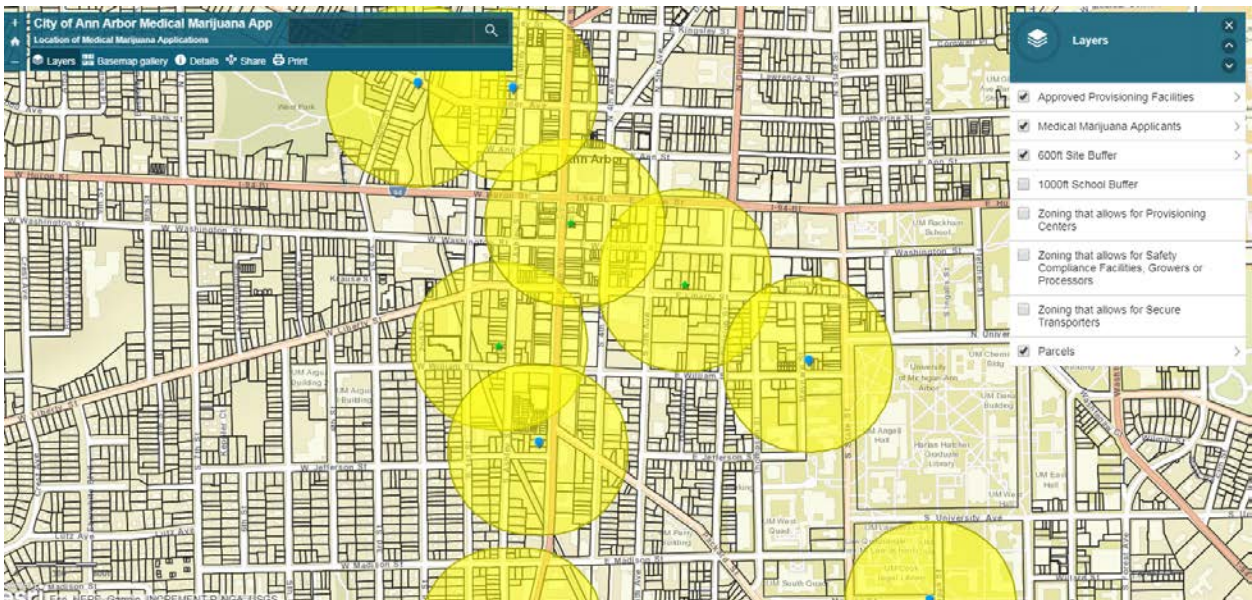
DEPARTMENT COMMENTS:

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

STREET VIEW IMAGE: (© 2018 Google, image capture August 2016)



MEDICAL MARIJUANA APPLICATIONS MAP:

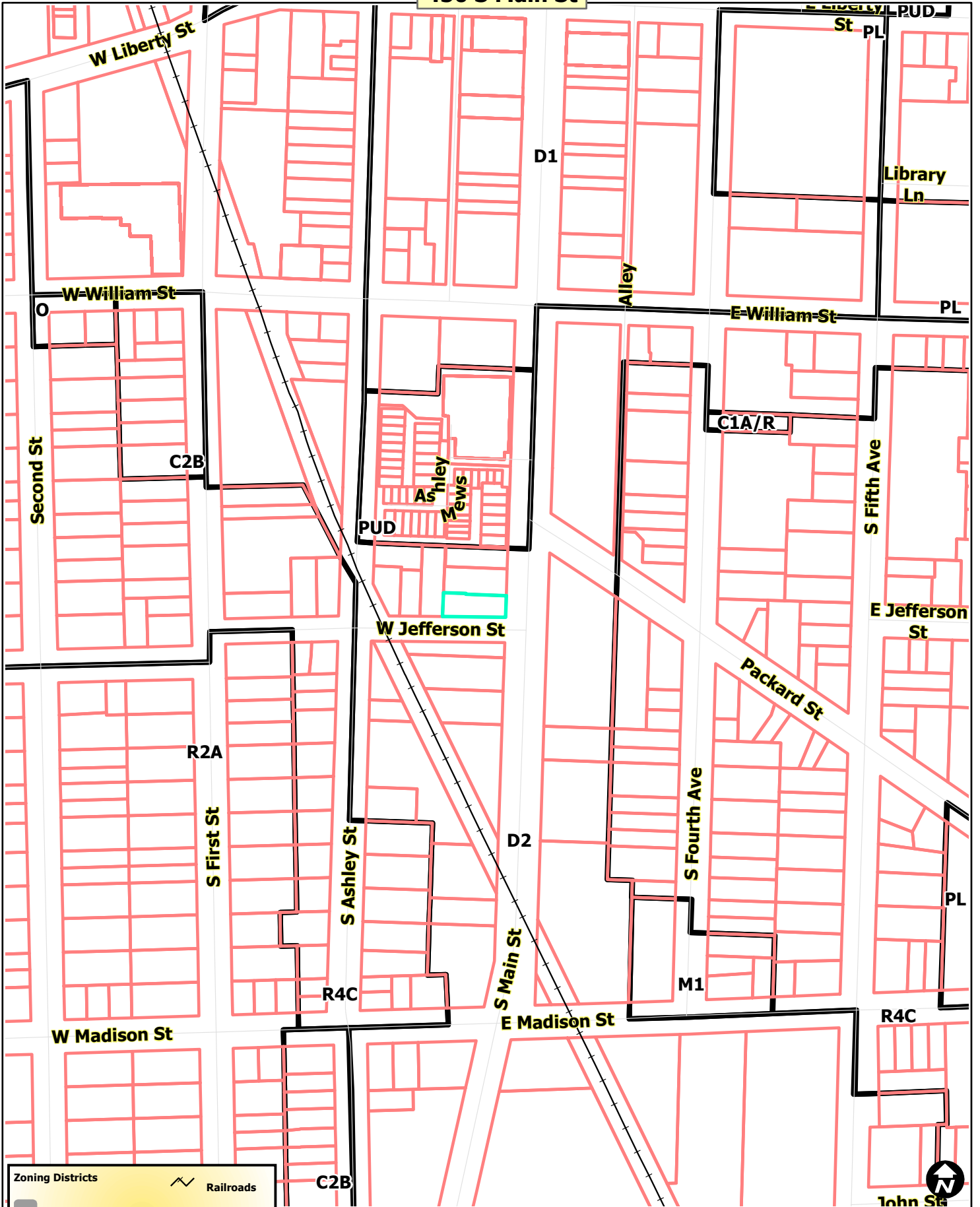


Prepared by Alexis DiLeo, City Planner
Reviewed by Brett Lenart, Planning Manager

Attachments: Zoning/Parcel Maps
Aerial Photo
[SEU Petition Application](#)
[Security Plan, Operations Statement, Waste Disposal Plan, Hours
Site Plan](#)

c: Petitioner – The Rabbit Club (Patrick Bellard)
Property Owner – 444 South Main, LLC
City Attorney's Office
Systems Planning
File No. SEU18-024

450 S Main St



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



Map date 2/7/2018
 Any aerial imagery is circa 2015 unless otherwise noted
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450 S Main St

Ashley Mews

Packard St

S Main St

W Jefferson St

 Railroads
 Huron River
 Tax Parcels



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