

**Lenart, Brett**

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**From:** Jane Ueda Klingsten <j@coldstripe.com>  
**Sent:** Thursday, February 28, 2019 3:41 PM  
**To:** Planning  
**Cc:** wjcarman@umich.edu; Jack Cederquist; Ramaswami, Praveena (PAC); kgriswol@umich.edu; Bannister, Anne; JeffreyLHayner@gmail.com  
**Subject:** Expansion of medical marihuana dispensary by NCRC

Dear Planning,

I am seeking details and kindly request you consider the following, regarding the special exemption being considered by Planning Commission for the 3,000 sq ft marihuana business at 3375 Plymouth Rd, in the “Starbucks building” at the Plymouth Road Mall. When will the Commission be hearing this?

Also, due to health issues, I was unable to attend the community meetings. As an ADA accommodation, I request that you consider these comments as equivocal feedback.

*While a marihuana facility maybe acceptable in another part of the City, it is not permitted in this particular location by city code and is not suitable as it has a reasonable potential to negatively affect public safety and welfare, including school children and customers.*

== Scope of Permit and Exemption Proposed ==

The long term scope of the proposed permit and **special exemption should be considered as a large scale marihuana facility for a non-specific use**, medical or recreational. As soon as city zoning laws catch up to the state’s legalization of marihuana, the distinction between medical and recreational sales will vanish. It is highly likely that pre-existing permits will be grandfathered in, and property owners seek to take advantage of this.

== Location Factors ==

**This not a suitable location and is not permitted location under city planning codes for a marihuana facility.** It is within 1,000ft of an adjoining University of Michigan property with a preschool and facility used for elementary summer education (Camp GoBlue), and a Kumon learning school within the mall on the same lot. Traffic and pedestrian safety are already problematic in this area. Adding a concentrated marihuana consumer base will worsen the pre-existing risks of adverse pedestrian and vehicular events, including to children, and existing and potential customers alike. Unestablished marijuana responsibility laws and regulatory controls, the lack of warnings for drug/alcohol interactions, and missing awareness on the persistence of impaired response, compound the risks to public welfare. In emerging research, drivers who’ve consumed marihuana that same day, are associated with increased risks of adverse vehicular interactions.

== Proximity to Schools ==

On an adjacent property, is the North Campus Children’s Center, an NAEYC accredited preschool, which provides early childhood and pre-K education to children from 3 months to 7 years of age, for up to 10 hours a day, 5 days a week. Children, staff, and families frequently walk and play in the area, exploring the wetlands, complex, and malls nearby. The Northwood Community Center, also located on an adjacent lot, and houses K-5 educational programs continuously throughout the summer. The Kumon Center of Ann Arbor is located in the mall and provides supplemental schooling for K-12 children, and preschool programs. Along with the

preschool, three public schools (Thurston, Logan, and Clague) feed the Kumon Center and are within walking distance and a few public transit stops.

== City Code Disallowing Close Proximity to Schools ==

Beyond the specific exemption requested, the application must still meet the remaining city codes. A **marijuana facility may not be permitted by the City within 1,000 ft of a lot on which a school, such as the U of M North Campus Children's Center, is located.** To approve a marijuana facility permit here, clearly violates the Chapter 55 of the City's Municipal Code, the Unified Development Code, Section 5.16.6, section G, part 3, subpart d states:

*No Lot containing a Medical Marijuana Provisioning Center, Grower, or Processor shall be located within 1,000 feet of a Lot on which a Public School or Private School, but excluding dance or art schools, is located.*

== Increased Driving Risks For Local Traffic ==

The proposed large scale business will generate a concentration of customers, potentially tens of thousands of customers per week, and a significant portion of which will have used marijuana within the day. **One of the known issues with legalized marijuana use is that state driving laws have not caught up. Response times are slowed and judgement is impaired if marijuana is used that same day.** Along with secondhand smoke, this creates unmitigated exposure risks, while responsible marijuana use laws and associated deterrents lag.

**People that are experiencing side effects including from the psychoactive components, may still legally operate vehicles until they are notably affected.** In other words, a officer if the law may not be able to stop a driver to prevent a crash fatality, unless they are significantly under the influence of marijuana.

**A recent U of M study showed that more than 70% of medical marihuana consumers self-reported driving while impaired.** Half drove while "a little high", 20% "very high", and more than half reported driving within two hours of consumption,

<https://ihpi.umich.edu/news/new-study-finds-worrisome-statistics-around-medical-cannabis-users-operating-vehicles>

**The rate of crash fatalities are higher in states that have legalized the recreational use of marijuana. (Insurance Institute of Highway Safety.)**

<https://www.iihs.org/frontend/iihs/documents/masterfiledocs.ashx?id=2173>

== Lagging Protective Regulation for Marihuana Consumers ==

These adverse risks to consumers and the public are further compounded without medical or public health oversight of marihuana consumption. **Marihuana consumers may not be aware of how affected they are, or associated risks without this oversight.** Since there are still no FDA approved forms of marijuana or its derivatives, there is no regulatory control of its dosing, quality or its composition, and the psychoactive portion which causes euphoria and can cause psychosis. Consumer warnings for drug interactions and alcohol enhancement are not required or regulated. Cannabis physiologically increases blood pressure (despite propaganda), causing acute cardiovascular events, affect blood sugar, and affects other serious health conditions. Physicians can not legally prescribe or limit patient use medically, nor recreationally in Michigan, so consumers may not know a safe limit for its effects, given their health, medications, and alcohol consumption.

== Pre-existing Traffic and Pedestrian Safety Issues ==

**As you may know, there are already traffic and pedestrian safety concerns in the area. Mixed with a concentrated population of marihuana consumers affected by recent use, would create high risk for adverse interactions to the public.**

Within 1,000 ft of the proposed site, traffic is tenuous, particularly at Plymouth and Nixon during rush hour and other times of heavy traffic (e.g., football, art fair days.) Traffic also regularly backs up on the site from the Starbucks drive-through at the building's site itself and through the connected mall parking. Black ups are known to happen through the Plymouth/Nixon intersection during drop off time at the U of M North Campus Children's Center. In medium to heavy traffic, left turn lanes on both Plymouth and on Nixon often back up, blocking traffic from entering both malls.

This also compromises pedestrian safety nearby. The preschool staff regularly walk the children on the sidewalks in the area, including to the Traverwood Mall across the street. For marihuana customers taking public transit, the city bus arrives at Traverwood Mall and the U of M bus NCRC stop shared by the children's center. Pedestrian safety already compromised at the city bus stop — the frequented mid-block crossing is unmarked and often encounters heavy to congested vehicular cross traffic. (This was missed in the Nixon Corridor Study as the study did not extend this far.) Demographically, medical marijuana is utilized by the student age group, and while it may not be apparent due to a small sidewalk gap, the walking route from the main part of North Campus to the proposed business, runs right past the children's center as well as the building housing the summer Camp GoBlue program. It is also within walking distance (and a few public transit stops) for three Ann Arbor Public schools feeding the Kumon school, Thurston and Logan Elementary Schools and Clague Middle school.

== City Responsibility and Liability ==

The city code exists to protect the public and the Planning Commission exists to support its enforcement. Beyond the protection of public interests, ignoring the code opens the City up to liability, as the City is self-insured and has plenty of assets. The unified development code is clear that a marihuana facility (let alone a 3,000 sq. ft facility) may not be permitted so close to a property housing a school. The financial risks of being sued by a school associated person, party or insurer, offsets the risk of property owner lawsuit over land use. On the regulation of land use, legal precedent and Michigan courts strongly side with government bodies in the protection of public interests (not landowners) especially in proximity of schools, as long as it is properly documented with the Planning Commission's decision.

Please deny this marihuana facility permit and request for special exemptions. Please also retract the city's permit for the existing marihuana facility in violation of the city code. There are plenty of other more suitable (and likely more affordable) locations for marihuana facilities within our City, including in this Ward.

Please bear in mind that this was written in the view of public interest, and without the intent to present a personal position on the consumption of marihuana for medical or recreational use in a setting isolated from the public.

***Thank you for your hard work to protect public interests within this city's planning and development.***

Sincerely,

Jane Klingsten

**Lenart, Brett**

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**From:** Lenart, Brett  
**Sent:** Monday, March 04, 2019 9:18 AM  
**To:** Ackerman, Zach; Alex Milshteyn (alex@alexmi.com); Erica; Julie Weatherbee (juliew@umich.edu); Lisa Sauve; Sarah Mills (sarahbanasmills@gmail.com); Scott Trudeau (scott.trudeau@gmail.com); Shannan Gibb-Randall; Wendy Woods (wwoods@umich.edu)  
**Cc:** Cheng, Christopher  
**Subject:** Area Median Income and Rent Limits

Hello Commissioners-

In response to Commissioner Weatherbee's question below, I'm sharing the following information:

Area Median Income is based on household size, here is the current income limits based on these thresholds:

**Household Size/Max Income (\$)**

*60% of Area Median Income*

- 1/39,060
- 2/44,640
- 3/50,220
- 4/55,740
- 5/60,240

*80% of Area Median Income*

- 1/50,350
- 2/57,550
- 3/64,750
- 4/71,900
- 5/77,700

The Michigan State Housing Development Authority publishes maximum rent based on unit size as follows:

**Unit Size (# Bedrooms)/Rent (\$)**

*60% AMI Maximum Rents*

- 0/976
- 1/1,046
- 2/1,255
- 3/1,449

*80% AMI Maximum Rents*

- 0/1,302
- 1/1,395
- 2/1,674
- 3/1,933

In the Citizen Participation Meeting, the petitioner shared the following projected rents:

- 1/900
- 2/1,250

3/1,450

Sincerely,

**Brett Lenart, AICP - Planning Manager**  
City of Ann Arbor Planning & Development Services

Direct (734) 794-6000 #42606 | General (734) 794-6265

**From:** Julie Weatherbee <juliew@umich.edu>  
**Sent:** Sunday, March 03, 2019 1:05 PM  
**To:** Lenart, Brett <BLenart@a2gov.org>  
**Subject:** AMI numbers

Hi Brett,

Would it be possible for you to send the CPC the official AMI numbers that would be used to determine 60% and 80% AMI rent in 2019? I just want to make sure I'm working with the correct information!

Thanks!

--Julie