

1066 E. M-36, PINCKNEY MI 48169**SPECIAL LAND USE REQUEST FOR CANNABIS RETAIL STORE
COMPLIANCE WITH GENERAL AND SPECIFIC APPROVAL CRITERIA****152.242 of Zoning Ordinance**

(1) Compliance with Comprehensive Plan. The special land use shall be consistent with the general goals, objectives and policies of the adopted Village of Pinckney Comprehensive Plan.

Response: This property is in an area that is designated as Commercial (“Secondary Commercial”) by the adopted Comprehensive Plan.

A retail cannabis use as proposed is appropriate and desired within the Secondary Commercial designation. Specifically, the Comprehensive Plan speaks of desired uses including “retail uses that serve a regional clientele,” which is exactly what is proposed.

This differentiates this application from some other cannabis applications that are proposed in areas such as those designated as Mixed Use, in which retail uses are specifically not listed as desirable (to say nothing of cultivation or processing), and desirable uses listed include “residential, professional, medical, dental, and veterinary offices, and other similar uses.” While we have significant experience in the cultivation and processing aspects of the cannabis industry (in addition to retail), we do not consider multiple cannabis uses to meet the intent of a mixed-use district and have taken care to locate our own cultivation and processing operations in more industrial areas. By staying far away from any nearby residences, we can limit potential land use impacts to the greatest extent possible.

The proposed cannabis retail use is also more appropriate here than in the Central Business District, where upper-floor residential uses are desired, and could potentially be impeded by concerns about a nearby cannabis store. There are also fewer opportunities for meaningful adaptive reuse of buildings like the former fire station, as proposed here. There are few residential uses immediately adjacent to this parcel, especially those with high concentrations of families and youths, and nearby residential uses are generally buffered by significant green infrastructure and/or other commercial land uses.

(2) Compliance with Zoning District.

(a) Special land uses permitted within any district shall be only those listed within the district.

Response: Adult use marihuana retailer is listed as a special land use within the SBD Secondary Business District zone, as amended.

(b) The special land use shall be consistent with the purpose of the zoning district in which it will be located.

Response: Section 152.180 of Pinckney’s Zoning Ordinance clearly states that the intent of the Secondary Business District designation is “to accommodate those business activities that typically require large areas of land, may generate a large volume of automobile traffic, may require large areas of off-street parking and are potential obstacles to an efficient, convenient

neighborhood service or central business district.” While our proposed land use will generate a reasonable amount of traffic and contains an appropriate amount of off-street parking that meets zoning requirements, it is wholly appropriate to be located outside of the Central Business District, still acting as an active land use which will bring a significant amount of customer traffic into Pinckney, while limiting parking strain on existing downtown lots and other businesses, and keeping well away from residential land uses.

- (c) Unless otherwise specified in this chapter, the special land use shall comply with the lot, access, yard, setback and other site design requirements of the zoning district in which it is located.

Response: We have carefully reviewed the site layout requirements in Section 152.183, and all new proposed construction, such as the rear parking lot and other site elements, meets these requirements. The existing structure is located slightly closer to the front line than would be permitted for new construction, but we believe that our proposed reuse of the building will maintain the desired character of the street front in this location.

(3) *Compatibility.* The special land use shall be designed, constructed, operated and maintained in a manner that is compatible with the essential character, permitted use, enjoyment and value of surrounding property and shall enhance the community as a whole.

Response: By reusing an existing vacant structure on its current building footprint, we will maintain the character of this section of M-36 without disrupting the enjoyment or value of surrounding properties, especially those that are residential or low-intensity commercial. We will also bring a vacant structure back into productive use, which will help continue and strengthen the vitality of the East M-36 commercial corridor. Our proposed hours of operation are limited to 10 am – 9 pm daily, so our new neighbors will not need to worry about late night activities such as noise, glare from headlights, or odors disturbing their evenings.

(4) *Infrastructure and services.* The special land use shall be adequately served by essential public services and other infrastructures such as roads, emergency services, drainage structures and water and sewage facilities. The proposed use shall not create a need for additional public facilities or services at public cost.

Response: This property was previously used as a municipal fire station, and is already improved, with sufficient access to public infrastructure. No additional facilities or services are needed, and retail uses such as our proposed store are not associated with any increase in noise, crime, lights, or odor.

(5) *Traffic.* The special land use shall minimize traffic impacts. In determining whether this requirement is met, consideration shall be given to anticipated traffic generation, automobile circulation, access to public roads, relationship to intersections, sight distances, access to off-street parking and pedestrian traffic. Access drives connected to roads under state and county jurisdiction shall comply with applicable road agency standards.

Response: East M-36 and Dexter Street (both major arterials) together have the highest typical traffic counts in the Village, with ADT counts close to 10,000 each. Traffic counts decrease significantly to the west (8,344 through the CBD and 5,644 at the Village’s west boundary). By locating our cannabis retailer on M-36 just east of Dexter, we can be confident that our proposed retailer store will not cause significant traffic impacts beyond what is already

considered normal for this subarea. Our site design minimizes traffic impacts by locating a large parking lot to the rear of the renovated building, and the driveway access closely follows both local engineering specifications and best practices for access management.

(6) *Environmental performance.* The special land use shall not involve uses, activities, processes, materials, equipment or conditions of operation that may be detrimental to any person or property, or to public health, safety and welfare. In determining whether this requirement is met, consideration shall be given to the production of runoff, traffic, noise, vibration, smoke, fumes, odors, dust, glare and light.

Response: Our proposed retail store proposes limited operations that are in line with a typical retail store. Cannabis retail uses have been found to have impacts that are relatively ordinary, with little to no odor, noise, glare and light produced. There is similarly no expectation for any notable impacts for runoff, vibration, smoke, fumes, or dust. Traffic impacts will be addressed by providing adequate off-street parking and following best practices for access management, particularly in consideration of the nature of M-36, which is considered a major arterial in this commercial corridor.

(7) *Natural resources.* The special land use shall minimize impacts on the natural environment. In determining whether this requirement is met, consideration shall be given to scenic views, floodplains, surface waters, wetlands, groundwater recharge areas, woodlands, wildlife habitat and steep slopes.

Response: A significant amount of existing green space and mature vegetation will be retained in our proposed site plan and landscaping plan. This will help to screen our proposed retailer from nearby land uses, while assisting with on-site drainage and stormwater runoff management needs.

(8) *Architecture.* The architectural design of all structures, including buildings and signs, shall be compatible with the design and character of structures in the surrounding area. As part of the application, the Planning Commission may require detailed drawings of proposed signs and architectural facades, including full construction elevations and information on exterior materials, colors and detailing.

Response: We are pleased to submit a plan that will bring an existing vacant, blighted structure back into productive use. Our proposed façade introduces a significant amount of transparency into the building, which will provide natural light and views to the exterior for customers and employees. Proposed exterior finishes respect those elsewhere in the corridor and avoid reflective surfaces that may distract or confuse drivers. Our proposed signage is consistent with our other locations in Michigan and is sized in accordance with the Village's Zoning Ordinance and the stated desires of the DDA plan, which seeks to avoid a "suburban strip appearance" along Main/M-36.

(9) *Compliance required.* Uses and structures shall comply with all other provisions of this chapter, including §§ 152.240 et seq. through §§ 152.415 et seq. and all other applicable federal, state and local codes and ordinances.

Response: We have carefully followed the requirements of these and all other Sections of the Village's Zoning Ordinance. There are many restrictions and requirements placed upon cannabis businesses at all levels, and we take great care to ensure that we do not run afoul of any of them. To the best of our understanding, we believe that our plan complies with all codes and ordinances.

152.243 of Zoning Ordinance

Compliance with Specific Approval Criteria

(S) Adult use marihuana establishments. A marihuana establishment, in compliance with the Michigan Regulation and Taxation of Marihuana Act, P.A. 2018, Initiated Law, being M.C.L.A. § 333.27951 et. seq., Chapter 113, Miscellaneous Businesses Requiring a License; Title XI, Business Regulations, of the Village of Pinckney Code of Ordinances, and the provisions of this division, shall be permitted as a special land use, in the SBD and/or RTO Districts as specified in §§ 152.045, 152.182, and 152.202. The following standards shall apply:

- (1) Intent.* The purpose of this division is to regulate marihuana establishments and enforce safety, security, health, and sanitation practices related to such establishments.
- (2) Prohibited uses.* Any marihuana establishment or marihuana event not specifically listed as a permitted business or event in §§ 152.045, 152.182, and 152.202 shall be prohibited within the village.
- (3) State license.* An application for a marihuana establishment special use permit and site plan approval shall not be accepted by the village unless the applicant has received prequalification approval from the Michigan Regulatory Agency. The appropriate state license to conduct the business shall be provided to the village prior to a certificate of occupancy being issued.

Response: We received prequalification from the State of Michigan's Marihuana Regulatory Agency on December 11, 2019. Our official notice of prequalification is included in our application packet.

- (4) Co-location and stacked licenses.* Co-location of marihuana establishments and/or licenses on one property is permitted subject to all applicable state laws, rules, and regulations concerning co-location and provided all uses are permitted within the property.

Response: No co-location or stacking of licenses is proposed in this application. We request only an adult use cannabis retailer license.

- (5) Hours of operations.* Business hours for marihuana retailers shall be no earlier than 9:00 a.m. to no later than 9:00 p.m.

Response: Our proposed hours of operation are 9:00 a.m. to 9:00 p.m. daily in compliance with the village ordinance.

- (6) Security.* All marihuana or marihuana infused products shall be contained within an enclosed, secure area. The establishment shall be open to any representative of the village to inspect and examine all premises of the establishment. A security plan shall be submitted to the village for review.

Response: Our proposal meets this requirement. A security plan is included in our application packet.

(7) *Road frontage and access.* All vehicular access for marihuana establishments located in the SBD District shall be directly from M-36/Main Street.

Response: Our proposal meets this requirement. The only vehicular access to the property is directly from M-36 and meets engineering specifications.

(8) *Separation distances.* The following separation distances from sensitive land uses shall apply to properties where the proposed marihuana establishment is to be located. Distance measurements shall be made between the closest property lines of the sensitive land use to the improved portion of the proposed land use.

- a. At least 1000 feet from a pre-existing public or private school, including preschools.
- b. At least 500 feet from a religious institution, licensed day-care facility, public parks, and trails.

Response: Our proposal meets this requirement. There are no public or private schools, including preschools, within 1,000 feet. We also do not seek to reuse any school buildings, which we feel could negatively impact nearby residential neighbors, particularly those with young children who may have moved to their homes specifically for proximity to a school. While we are extremely careful not to let any minors into our facilities and take concerns about youth cannabis use very seriously, we also feel that it would be unfair to locate too close to residential areas. Therefore, we request approval for our cannabis retail store at this location, which is well separated and screened from nearby schools and residential areas for which there is a reasonable expectation of proximity to a school.

There are also no religious institutions, licensed day-care facilities, public parks, or trails within 500 feet. While we wish to encourage access to our products to customers on bicycles or using trails by foot or wheelchair, we also recognize that such a separation is desired by the community. This property meets all separation requirements, which we have confirmed independently and using the separation map produced and provided by the Village of Pinckney.

(9) *Enclosure and screening.* All uses shall be completely enclosed within a building and comply with §§ 152.385 et seq. for landscaping and screening.

Response: Our proposed retail operation will be completely enclosed within the building. The site layout meets all requirements for landscaping and screening. We are retaining a significant amount of existing mature vegetation, which helps to screen this use from nearby properties.

(10) *Environmental performance.* No activities or uses shall result in the emission of glare, noise, vibration, odor, dust, pollution or any other negative impact, as regulated by § 152.370 et seq. an odor control plan shall be submitted to the village for review.

Response: Cannabis retail stores have little to no proposed odor impact, particularly in comparison to cultivation and processing facilities. Even so, we take concerns about odor very seriously. We will be replacing all mechanical units with new, high efficiency fixtures that will be able to filter out any residual odors that could potentially be generated within the store.

Additionally, glare and noise will be minimized through limited hours and landscaping. Vibration, dust, pollution, and other impacts are not associated with retail stores and are not expected as a result of this proposal. We have not found that any of our other stores have any negative impacts like these, nor any crime impacts (or complaints).

(11) Water supply and sanitary sewerage facilities. Waste disposal and water supply and disposal for the facility shall not produce contamination or create other hazards that may negatively impact the structure and/or surrounding properties and/or sanitary sewer system.

Response: Water disposal for this facility is typical for a retail store. Effluent includes that associated with use of restrooms by customers and employees. Chemicals used in the facility include cleaning solutions, such as window cleaner, toilet and bathroom cleaner, mop solution, and air fresheners.

(12) Off-street parking and loading. The requirements for off-street parking and loading shall comply with the provisions of § 152.280 et. seq.

Response: Section 152.183 of the Village's Zoning Ordinance requires 1 parking space per 300 square feet of floor area. Our proposed reuse of the existing structure on this property has a floor area of 4,196 square feet, requiring a minimum of 14 parking spaces. 2,752 sq. ft. on the lower level is proposed for future use, but not included in the current proposal. This space would require an additional 10 parking spaces. We propose a paved parking lot to the rear of the building with a total of 34 parking spaces, far exceeding the minimum requirement, even when both floors are considered.

Additionally, we propose to reuse the existing paved area in front of the building for four parking spaces, some of which will be reserved and signed for accessible parking access.

(13) Signs. Signs may not depict or reference marihuana or marihuana-related paraphernalia and shall comply with the provisions of § 152.300 et seq.

Response: Our proposed signage includes the name of the business and/or wayfinding directions for customers, and complies with this requirement.

(14) All other site development standards related to lot area, minimum lot width, yards and setbacks, lot coverage, and structure height shall comply with the zoning district in which the marihuana establishment is located.

Response: We have closely reviewed these requirements, and all are met in this proposal.