



June 9, 2022

Planning Commission
City of Inkster
26215 Trowbridge
Inkster, MI 48141

Subject: SLU 22-08 Proposed Adult Use Marijuana Retailer, Medical Marijuana Provisioning Center, and Drive Thru Restaurant – Special Land Use Review
Location: 29225 – 29245 Michigan Ave
Zoning: B-3, General Business District
Applicant(s): Rohanne Saad, representing BBUDDZ! LLC
Owner(s): Inkster Holdings, LLC

Dear Planning Commissioners:

The City of Inkster Planning Department has reviewed the above-referenced Special Land Use (SLU) application for a proposed adult use marijuana retailer, medical marijuana provisioning center, and drive thru restaurant, located at 29225 – 29245 Michigan Ave. Adult use marijuana retail, medical marijuana provisioning center, and drive through facilities are considered special land uses in the B-3 General Business District. The following review is based off how the project addresses the standards listed in the zoning ordinance for each use. For more information on what standards apply for each use, see table below.

Use	Zoning Ordinance SLU Standard
All special land uses in B-3	155.289
Adult use marijuana retail	155.146, 155.150(E)
Medical marijuana provisioning center	155.146, 155.148
Drive-thru facility	155.130

This development requires a public hearing and special land use approval from City Council, as well as site plan approval. Planning Staff offers the following comments and findings for your consideration. The site plan is dated February 17, 2022, received April 4, 2022.

SITE DESCRIPTION

The site is approximately 0.71-acres (Wayne County GIS) and is located on the south side of Michigan Avenue, east of Middlebelt Road. The site is adjacent to a metal processing facility to the east. The applicant proposes a 4,900 square foot building and associated parking lot. The site is located in the B-3, General Business District.

REVIEW COMMENTS



SPECIAL LAND USES IN B-3 DISTRICT (§155.047)

The B-3, General Business District intends to provide locations for development of businesses which cater primarily to the comparison-shopping needs of the City’s and surrounding communities’ residents on an intermittent or semi-monthly or greater basis. The uses are more intensive than those permitted in the B-2 Local Business District and allow more large scale vehicle dominated establishments. Because of the variety of business types critical attention must be focused on site layout, building design, vehicular circulation, and coordination of site features between adjoining sites. We have reviewed the application for compliance with the Inkster Zoning Ordinance regulations, and sound planning and zoning principles, and offer the following comments for your consideration.

The following chart provides information on existing land uses and current zoning of adjacent properties.

Land Use		Current Zoning
Subject Site	Former Tire Retailer - vacant	B-3, Thoroughfare Mixed Use
North	Automobile service station	B-3, Thoroughfare Mixed Use
South	Vacant retail structure	B-3, Thoroughfare Mixed Use
East	Metal processing facility	B-3, Thoroughfare Mixed Use
West	Gas Station and Carryout Restaurant	B-3, Thoroughfare Mixed Use

REVIEW OF SPECIAL LAND USE (§155.289)

The following standards are applicable to all SLU applications.

- Will be harmonious and in accordance with the goals, policies, and actions of the Master Plan.**
 In accordance with the 2017 Master Plan, the subject site Future Land Use (FLU) is designated as *Regional Commercial Use*, which permits a wide variety of retail and commercial uses that act as a buffer for the Town Center District along Michigan Avenue. Permitted uses include retail, restaurants, service establishments and entertainment facilities. Additional uses should be considered for this district including warehousing and distribution and uses in compliance with the Michigan Marijuana Laws. The uses of adult use marijuana retail, medical marijuana provisioning, and drive through restaurant facilities align with the Future Land Use establishment examples for the Regional Commercial Use. It should be noted that Master Plan largely silent on the issue of Marijuana establishments. The only reference appears in the summary of public input which features two positive comments and comment of concern about the support of marijuana establishments. Given that the Master Plan was last updated in 2017 it would be advantageous for the City to undertake an update to more fully capture the perspective of the community on future development desires and needs.

“Continue Economic Development Activities” is Goal #1 of the Master Plan. Within this goal, objectives A (develop and initiate a business recruitment and retention plan) D (infill/redevelop target opportunity sites,



e.g., vacant lots). Redeveloping the vacant (unused) site with a marijuana retailer and drive-through restaurant would satisfy the two objectives of Goal #1.

Goal #4 of the Master Plan highlights the community's desire to "develop a quality shopping experience for residents." This includes the need to evaluate the commercial land use structures of Inkster in relation to resident and city needs. The impact of marijuana retail on the residential parts of the city and the general needs of the city at large should be considered to ensure a balance of retail types throughout the B-3 General Business District.

2. **Will be designed, constructed, operated, and maintained so as to be visually and physically harmonious and appropriate in appearance with the existing or intended character of the general vicinity and not change the essential scale and character of the area.** The proposed changes will make the building more aesthetically pleasing and contribute to a more visually and physical harmonious streetscape along Michigan Avenue. The structure will be of similar massing allowing for balance with the essential scale and character of the area.
3. **Will be a visual, physical, and economic improvement in relation to the property in the immediate vicinity and to the city as a whole.** An active use on this site, as proposed, will be an economic improvement to the vicinity. The addition of a drive-through restaurant will be an economic improvement to the area and city as a whole as there is a current lacking and need for more restaurants. The proposed elevations and renderings of the site will also support visual and physical improvement to the immediate vicinity and city as a whole. As previously stated it is believed that an active use is an improvement to the general vicinity and the city as a whole, however, consideration should be given to both the benefits and detriments of marijuana retail in relation to the goals of the city and its residents.
4. **Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will adequately provide any such service or facility.** The capacity of the City's infrastructure and services appears to be sufficient to accommodate the proposed facility. We will defer any additional comments regarding this section to the City Engineer.
5. **Will not detract from the desirability and orderly function of residential or business uses. Discretion shall be given to the impact of the proposed use upon existing uses which may relate to the traffic generation, sound, artificial lighting, odors, emission of exhaust gases, pedestrian traffic, hours and days of operation, creation of a public or private nuisance, opportunity for crime or criminal activity, congregation of individuals for purposes other than intended by the proposed use, and similar factors generated by the proposed use. The factors stated herein are not intended as a limitation upon the possible considerations and are by way of example only.** The subject site is surrounded by other parcels zoned B-3, General Business District. In addition, the applicant is generally in compliance with site plan requirements to diminish nuisances related to odor, lighting, and traffic generation; as such, the anticipated impact of a marijuana retailer is not expected to detract from the area. Additionally, the inclusion of security cameras and security protocol in coordination with the Inkster Police Department has the potential to mitigate crime and criminal activity. The drive-through restaurant facility will remain separate from the retailer business. The combination of uses is not believed to create a nuisance given the location of the site and will potentially contribute to more vibrant commercial activity that will discourage uses other than the proposed use. Should the Planning Commission have further



questions regarding this section, we recommend that they be directed towards the applicant, who should be able to provide further clarity on the intended business operation.

6. **Will not erode or reduce the economic viability of other existing land uses. Consideration shall be given to the compatibility of other existing uses with the proposed use and maintaining land values within the City.** The subject site is currently vacant and does not provide economic viability to the surrounding existing land uses. The proposed uses are anticipated to increase economic viability.
7. **Will not impose additional service demands upon the City or its anticipated future resources.** The proposed Special Land Use is not anticipated to impose additional service demands upon the City. We will defer any additional comments regarding this section to the City Engineer, Police, and Fire Departments.
8. **Will further and enhance the health, safety, welfare, morals, character, comfort, convenience, and policies of the City, will not create excessive additional public costs or be detrimental to the economic welfare of the City.** The existence of a vacant building detracts from the health, safety, welfare, morals, character and policies of the city. Vacant buildings can require additional monitoring from Public Safety personnel in terms of crime prevention and ordinance enforcement. The proposed Special Land Use will convert the use and is intended to provide for year-round maintenance and upkeep of the grounds and facility.
9. **Will be consistent with the intent and purposes of this Zoning Code, and comply with all the specific standards as established for said use by the Ordinance.** The site plan submitted should be considered by the Planning Commission. The proposed site plan largely meets the requirements of the zoning code. The site plan with minor revisions confirms that the Special Land Use will be consistent with the intent and purposes of the Zoning Code.

REVIEW OF STANDARDS FOR ALL MEDICAL MARIJUANA AND RECREATIONAL MARIJUANA ESTABLISHMENTS (§ 155.146)

- A. **The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, Medical Marihuana Facilities Licensing Act, State of Michigan regulations for the transfer of medical marijuana, and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.** The applicant will be required to supply information and documentation related to the procurement of a state license. Approval shall be contingent on all state requirements being met. If the State of Michigan determines that building or site modifications are required a new site plan and special land use application may need to be filed with the City of Inkster.
- B. **A state license and local business license is required for all medical marijuana facilities.** The applicant will be required to supply information and documentation related to the procurement of a state license. A state license must be obtained prior to issuing a local business license and certificate of occupancy.



- C. **Smoking and/or use of medical marijuana shall be prohibited at medical marijuana facilities.** This finding can be made if the applicant adds a note to the site plan indicating “no smoking” signs will be posted across the site.
- D. **Security cameras shall be installed and maintained; and are subject to approval by the City Police Chief. All security cameras shall have a minimum resolution of 1080p, and at least 14 concurrent days of digitally recorded documentation. The security cameras shall be in operation 24 hours a day, seven days a week, and shall be set to maintain the record of the prior 14 days of continuous operation. An alarm system is required that is operated and monitored by a recognized security company.** This standard has been met with the Chief of Police’s review and approval of the project, security plan, and site plans.
- E. **Exterior lighting shall be required for security purposes, but in accordance with the provisions of the Zoning Ordinance.** Site lighting will be reviewed during the site plan application process.
- F. **The premises shall be open for inspection upon request by the Building Official, the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.** The applicant will need to add a statement signifying their agreeance to this: without agreement, this finding is not supported.
- G. **Quarterly inspections may be made by the City Official’s designee to confirm the facility is operating in accordance with applicable laws including, but not limited to, state law and city ordinances.** The applicant will need to add a statement signifying their agreeance to this: without agreement, this finding is not supported.
- H. **Any medical marijuana facilities shall not have exterior signage using the word “marihuana” and/or “marijuana” or any other word, phrase or picture commonly understood to refer to marijuana. Neon signs and non-functional decorative lighting shall be prohibited. Sign(s) shall be posted stating that “No loitering is permitted” on such property.** Exterior signage can be reviewed administratively upon application submission from the applicant.
- I. **If the medical marijuana facility ceases operation for a length of time of six months or greater, the special land use shall expire.** The applicant should provide confirmation that they are aware of this stipulation.

REVIEW OF MEDICAL MARIJUANA PROVISIONING CENTERS REGULATIONS (155.148)

- A. **A provisioning center shall not be located within a 500 foot radius of a school, measured as the shortest distance from front door to front door.** The proposed location is not located within a 500 foot radius of a school.
- B. **A provisioning center shall not be located within a 1,000 foot radius of a lawfully existing medical marijuana provisioning center, measured as the shortest distance from front door to front door.** The proposed location does not locate the provisioning center within a 1,000 foot radius from any other lawfully existing medical marijuana provisioning center.



- C. **A provisioning center shall not share office space with a physician.** The provisioning center is not proposed to share office space with a physician.
- D. **Growing, cultivating, manufacturing, or processing of medical marijuana is prohibited.** The provisioning center does not include any plans for growing, cultivating, manufacturing, or processing medical marijuana.
- E. **All activity related to the provisioning center shall be done indoors.** All proposed activity relating to the provisioning center is contained within the inside of the building.
- F. **Provisioning center drive-through facilities shall be prohibited.** The provisioning center will not include a drive-through facility. While a drive through restaurant is proposed in addition to the provisioning center the floor plan submitted with the site plan shows a complete separation of the two uses.
- G. **All medical marijuana shall be contained within the main building in an enclosed, locked facility.** The proposed floor plan does indicate a separate storage room with a safe. A note should be added that indicates that all marijuana will be contained within an enclosed, locked facility.
- H. **The sale, consumption, or use of alcohol or tobacco products on the premises shall be prohibited at the provisioning center.** There is no proposed sale, consumption, or use of alcohol or tobacco on the premise of the provisioning center. This finding can be made if the applicant adds a note to the site plan indicating “no smoking” signs will be posted across the site.
- I. **Application for a medical marijuana provisioning center license shall be made to the City Clerk upon application forms provided by the Clerk for medical marijuana provisioning center license and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council.** The Clerk has received application for a medical marijuana provisioning center license.
- J. **The sale, consumption, or use of alcohol or tobacco products on the premises shall be prohibited at the provisioning center.** The applicant should provide confirmation that they are aware of this stipulation.
- K. **Provisioning centers may have more than one caregiver.** The applicant should provide confirmation that they are aware of this stipulation.

REVIEW OF RECREATIONAL MARIJUANA RETAILER ESTABLISHMENT REGULATIONS (155.150 (E))



- A. **A recreational marijuana retailer establishment shall not be located within a 500 foot radius of a school, measured as the shortest distance from front door to front door.** The proposed location is not located within a 500 foot radius of a school.
- B. **Recreational marijuana retailer establishment shall not be located within a 1,000 foot radius, measured as the shortest distance from front door to front door, of a lawfully existing medical marijuana provisioning center or recreational marijuana retailer establishment, unless the medical marijuana provisioning center is operated by the same owner and within the same building as the recreational marijuana retailer.** The proposed location does not locate the provisioning center within a 1,000 foot radius from any other lawfully existing medical marijuana provisioning center.
- C. **Growing, cultivating, manufacturing, or processing of marijuana is prohibited.** The provisioning center does not include any plans for growing, cultivating, manufacturing, or processing medical marijuana.
- D. **All activity related to the recreational marijuana retailer establishment shall be done indoors.** All proposed activity relating to the provisioning center is contained within the inside of the building.
- E. **All recreational marijuana retailer establishment shall comply with all rules and regulations established by the Marijuana Regulatory Agency.** The applicant will be required to supply information and documentation related to the procurement of a state license. Approval shall be contingent on all state requirements being met. If the State of Michigan determines that building or site modifications are required a new site plan and special land use application may need to be filed with the City of Inkster.
- F. **Recreational marijuana retailer establishment drive-through facilities shall be prohibited.** The recreational marijuana retailer will not include a drive-through facility. While a drive through restaurant is proposed in addition to the provisioning center the floor plan submitted with the site plan shows a complete separation of the two uses.
- G. **All marijuana shall be contained within the main building in an enclosed, locked facility.** The proposed floor plan does indicate a separate storage room with a safe. A note should be added that indicates that all marijuana will be contained within an enclosed, locked facility.
- H. **Application for a recreational marijuana retailer establishment license shall be made to the City Clerk upon application forms provided by the Clerk for recreational marijuana retailer establishment license and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council.** The Clerk has received application for a medical marijuana provisioning center license.
- L. **The sale, consumption, or use of alcohol or tobacco products on the premises shall be prohibited at the provisioning center.** There is no proposed sale, consumption, or use of alcohol or tobacco on the



premise of the provisioning center. This finding can be made if the applicant adds a note to the site plan indicating “no smoking” signs will be posted across the site.

REVIEW OF CARRY-OUT, FAST-FOOD, DRIVE-THROUGH OR DRIVE-IN RESTAURANTS REGULATIONS (155.130)

- A. **No drive-in, fast food, or carry-out restaurant, as measured from the nearest property line shall be located within 500 feet from an elementary, junior or senior high school or from a public park.** The proposed location is not located within a 500 foot radius of a school or public park.
- B. **All provisions of §§ 155.071 through 155.082, General Development Standards, shall be complied with unless notified in this section.** Review of the General Development Standards have been included in the site plan review, see the site plan review for applicable conditions to ensure compliance.
- C. **Points of vehicular ingress and egress shall be limited to an adjacent major thoroughfare only and site plans shall be reviewed by the Planning Commission for location and design of curb cuts and driveways and for layout of parking lots.** There are proposed vehicular ingresses and egresses adjacent to both Middlebelt Road and Michigan Avenue. The proposed driveways make use of existing curb cuts that promote logical circulation within the site for the drive-through restaurant and retail use.
- D. **The minimum width of driveways at the property line shall be 24 feet and not greater than 30 feet.** The existing driveway curb cuts are 20 feet wide; the driveways are existing non-conforming.
- E. **The minimum distance of any driveway to a property line shall be 20 feet.** The site plan does not include measurement of the driveway from the property line. Measurement from the proposed driveways to the property line should be included on the site plan for this finding to be made.
- F. **The minimum distance between driveways on the site shall be 75 feet measured from the two closest driveways’ curbs.** The site plan does not include measurement of the driveway from the property line. Measurement from the proposed driveways to the property line should be included on the site plan for this finding to be made.
- G. **The minimum distance between a driveway and a street intersection shall be 60 feet measured from the intersection of the street right-of-way to the nearest end of the curb radius.** The site plan does not include measurement of the driveway from the intersection of the street right-of-way. Measurement from the proposed driveways from the intersection of the street right-of-way should be included on the site plan for this finding to be made.
- H. **Businesses adjacent to or integrated in a shopping center on cluster of commercial facilities shall use the common access with other business establishments in that center.** The proposed plan includes integrated common access of driveways, parking, and dumpsters with the adjoined retail business.



- I. **The entire parking area shall be paved with a permanent surface of concrete or asphalt and shall be graded and drained in accordance with city engineering standards. Any unpaved area on the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved parking or driveway area by a raised curb or other equivalent barrier.** The proposed parking area will be paved with permanent surface. We defer to the City Engineer for approval of the grading and drainage standards. The site plan includes landscaping around the perimeter of the parking areas and driveways as well as within any islands.
- J. **Concrete curbing, six inches in height, shall be properly placed and maintained along or parallel to all property lines, except where bumper guards are required and except across an approved driveway, so as to prevent vehicular encroachment onto or over the public right-of-way and to prevent vehicular encroachment onto or over the adjoining property, or vehicular damage to the adjoining buildings.** We defer to the City Engineer for approval of the concrete curbing and any subsequent bumper guards.
- K. **Food consumption upon the premises outside the fast-food and carry-out restaurant building shall be prohibited unless permanent outside facilities are provided. The premises shall be properly posted with signs stating that the consumption of foods, frozen desserts or beverages within vehicles parked upon the premises is unlawful and that violators are subject to fines as prescribed by law. A minimum of two such signs shall be posted within the building near the checkout counter of the restaurant and a minimum of four such signs shall be posted within the parking area so as to be clearly visible from all vehicles on the premises. This finding can be made if the applicant adds a note to the site plan indicating such signs will be posted across the site.**
- L. **All outside trash receptacles, except those intended for use by the customer, shall be located within an enclosure constructed of opaque masonry materials a minimum of four feet and a maximum of six feet in height and shall be provided with opaque gates or the same height.** The proposed dumpster enclosure is located in the rear yard (south east corner of the property). The proposed enclosure will be constructed of a solid split faced CMU block to match the building, with a pre-painted metal panel gate. The enclosure will be 8' by 9'.
- M. **During the period when a drive-in restaurant, fast-food restaurant, or carry-out restaurant is vacated, closed, or otherwise not opened for business for more than 30 consecutive days, the owner, franchise holder, or lessee shall be subject to complying with the following regulations:**
 - 1. **Vehicular parking and storage shall be prohibited at all times anywhere on the premises. The owner, franchise holder, or lessee shall post a sign or signs on the premises, giving notice that all parked or stored vehicles are subject to ticketing and removal by the city at the vehicle owner's expense. In addition, the owner, franchise holder, or lessee, whoever is in possession, is subject to ticketing if unlawful parked or stored vehicles are permitted on the premises by consent of the owner, franchise holder, or lessee. The city shall have the right of entry to subject property for the purpose of accomplishing said ticketing and removal. The applicant should provide confirmation that they are aware of this stipulation.**



2. **The ground shall be kept free of rubbish and debris, and the grass, if any, shall be well kept and cut as necessary so as to present a neat and attractive appearance at all times.**
The applicant should provide confirmation that they are aware of this stipulation.
3. **Within 50 days of such closing, all curb cuts across driveway entrances and all other points of ingress and egress to the premises shall be closed to vehicular traffic by properly placed and secure precast concrete wheel-stops or the equivalent, as may be approved by the city.** Given the shared nature of the parking lot and the adjoining retail use within the structure this requirement will be enforced if both businesses within the structure close.

N. **A six-foot high completely obscuring wall shall be provided where abutting any residentially zoned district. The height of the wall shall be measured from the surface of the ground. Said wall shall further meet the requirements of § 155.074, Walls.** The site does not abut any residentially zoned district. However, the applicant intends to keep the existing 10 feet high screening wall along the eastern property line.

RECOMMENDATIONS

Based on the findings described in this review, the standards for approval of the Special Land Use appear to be supported.

We recommend the Planning Commission hold the required public hearing for the proposal and consider the comments from the public. Subject to any new findings or concerns, we find it appropriate for the Planning Commission to consider the following motion:

I move to recommend approval of the proposed special land use for a marijuana medical and recreational retailer and drive through restaurant at 29225-29245 Michigan Ave to City Council, with the recommended conditions:

1. *Approval of the site plan.*
2. *"No Smoking" signs placed conspicuously across the property.*
3. *Property owner & business owner submit documentation that the site is open to inspection by any applicable agency.*
4. *Measurement from the driveways to the property line and intersection be included on the site plan.*
5. *Signs indicating consumption of foods and beverages from outside sources on the premises is unlawful be placed conspicuously across the property.*
6. *Approval by any other reviewing body/agency.*

Respectfully submitted,

McKENNA



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