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March 26, 2021

HONORABLE CITY COUNCIL

RE: Request for Overlay Zoning to prohibit Medical Marijuana facilities and Adult-use Marijuana establishments along Eight Mile Road, Woodward Avenue, and Livernois Avenue

The City Planning Commission in response to the concerns raised by the Greenacres/Woodward Civic Association (GWCA) and Councilmember McCalister, Jr. regarding the proposed text amendments associated with medical marijuana facilities and adult-use marijuana establishments offers this expert from our February 2, 2020 report to City Council in response to the stated concerns and recommendations.

In March 2020 the Greenacres/Woodward Civic Association (GWCA) submitted a detailed list of suggested changes to both the Business Licensing (Chapter 20) and Zoning Ordinance (Chapter 50) provisions pertaining to Adult-use Marijuana establishments. There were two specific recommendations related to zoning regulations that the GWCA requested the working group to consider.

First, the GWCA requested that, in an effort to stop the over-concentration of marijuana-related facilities along Eight Mile Road and Woodward Avenue, new regulations be drafted to prohibit the establishment of retail marijuana facilities, marijuana micro-businesses, adult-use marijuana designated consumption establishments, and temporary marijuana events along the “Major Corridor Overlay Area.” Designated “Major Corridor Overlay Areas” are defined in Sec. 50-11-402 as:

- (1) Woodward. All zoning lots abutting Woodward Avenue between the center line of West McNichols and the center line of West Wight Mile Road;*
- (2) Eight Mile Road. All zoning lots abutting Eight Mile Road.*

The Detroit Zoning Ordinance only prohibits sexually oriented business in this manner along the Major Corridor Overlay Areas. Such a prohibition may, in fact, have the opposite effect sought by the GWCA, which would be the greater distribution of marijuana-related facilities throughout the City of Detroit. The current zoning and spacing regulations imposed upon existing medical marijuana establishments are the same regulations proposed for adult-use marijuana establishments. Presently spacing restrictions are in place throughout the City of Detroit which prohibit dispensary type facilities from locating within 1,000 radial feet of each other, drug free zones, schools, daycare centers, parks, regulated uses and the like. The city’s Business Licensing ordinance only permits a limited number of *Retail* and/or *Medical marijuana provisioning center facility* licenses, i.e., 75

each. At present, approximately 48 of the permissible 75 licenses for *Medical marijuana provisioning center facilities* have been issued by the city since the passage and enactment of the Medical Marijuana Facilities licensing provisions.

Under the state law regulating the operation and taxation of such establishments (MRTMA), facilities are permitted to co-locate on the same premises. It is fully expected that many of the existing establishments along Eight Mile Road and Woodward Avenue which currently hold state licenses for medical marijuana will likely be licensed for adult-use marijuana sales as well. Presently each of these establishment casts a 1,000-foot radial shadow prohibiting other such establishments from proliferating in an area. If the requested amendment were to be enacted, 1) the City of Detroit would be acting contrary to the spirit and intent of the statute which encourages co-location; 2) existing, as well as, future facility owners would have to seek out primary or secondary facilities throughout the city in closer proximity to historically residential neighborhoods and commercial corridors.

The second zoning request submitted by GWCA is to amend the current Traditional Main Street Overlay Area on Livernois Avenue by extending the boundaries from its current end point at St. Martin Avenue to West Eight Mile Road. This latter recommendation has already been undertaken by the Commission and acted on by City Council as a part of the most recent text amendments (Ord. No. 2020-21) to address needed changes to the Main Street Overlay areas involving off-parking allowances, and the expansion of area boundaries along West Grand River, Livernois Avenue, and Van Dyke Avenue. While the intent of this most recent text amendment was not to expressly prohibit marijuana related establishment from locating along the Livernois Avenue Traditional Mainstreet Overlay Area corridor, the resulting effect has yielded the petitioners' desired outcome.

Respectfully submitted,

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