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ORDINANCE NO. O-1920-61

ITEM NO. 6

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**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT	Jordan Fayak
REQUESTED ACTION	Special Use for "One and only one of the specific uses permitted in the M-1, Restricted Industrial District ...", specifically "(g) Medical Marijuana Processor (any Tier, except that Tier I and Tier II will not be allowed to have on-site sales), as allowed by state law"
EXISTING ZONING	A-2, Rural Agricultural District
SURROUNDING ZONING	North: A-2, Rural Agricultural District East: A-2, Rural Agricultural District, A-1, General Agricultural District, and RE, Residential Estates District South: A-2, Rural Agricultural District West: A-2, Rural Agricultural District
LOCATION	4520 E. Franklin Road
SIZE	9 acres, more or less
PURPOSE	Medical Marijuana Grow and Processing Facility
EXISTING LAND USE	Residential
SURROUNDING LAND USE	North: Vacant East: Residential South: Residential West: Residential
LAND USE PLAN DESIGNATION	Country Residential

**SYNOPSIS:** The applicant, Jordan Fayak, is requesting Special Use for "One and only one of the specific uses permitted in the M-1, Restricted Industrial District", specifically "(g) Medical

Marijuana Processor (any Tier, except that Tier I and Tier II will not be allowed to have on-site sales), as allowed by state law” for their property at 4520 E. Franklin Road.

**ANALYSIS:** The A-2, Rural Agricultural District, allows for Medical Marijuana Commercial Grower by right. The applicant recently submitted a building permit for a medical marijuana grow facility at this location. In order to also have medical marijuana processing in the same location, a Special Use is required.

A Special Use request shall be reviewed and evaluated on the following criteria according to the Zoning Ordinance 22:434.1, Special Uses:

1. Conformance with applicable regulations and standards established by the Zoning Regulations.
2. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
3. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use. (NOTE: Throughout this Section, “Permitted Use” means any use authorized as a matter of right under the applicable zoning district.)
4. Modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.
5. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed “Special Use” and other uses authorized and anticipated in the area, considering existing zoning and land uses in the area.
6. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed “Special Use” with existing or permitted uses in the surrounding area.

**ALTERNATIVES/ISSUES:**

**IMPACTS** This location has historically been used as a residence. The applicant is currently living on this site and will continue to live on-site with the expansion of the use of the site for medical marijuana grow and process.

The applicant stated at Pre-Development that they will be using carbon filters in their exhaust systems to help prevent the odor of growing medical marijuana from affecting neighbors. They are planning to roll joints and do solvent-less extraction with ice and water. The current application for building permit does not demonstrate the applicants will be utilizing any chemical extraction on-site. If the applicant changes processing methods, to include chemical extraction, they are required to resubmit for a new building permit application; fire and building review of the chemicals used must be reviewed for safe operations and storage. Although the applicant is required to submit a new building permit application they will not be

required to submit to Council for approval of chemical extraction as that is already included in this request; the Special Use for a Medical Marijuana Processor allows Tier I, Tier II, and Tier III processing.

The submitted site plan shows the Grow and Processing Facility will be located at the rear of the lot and cannot be seen from E. Franklin Rd. The applicant will be required to adhere to the site plan.

**OTHER AGENCY COMMENTS:**

- **PRE-DEVELOPMENT PD20-14** **May 28, 2020**  
The neighbor to the west is concerned about the proximity of their driveway to the applicant's driveway; they are afraid people will turn into the wrong place. The applicant plans on having a distinct fence and large address posted to ensure there is no confusion. Neighbors are concerned about increased traffic, odors, property values, crime, number of employees, and safety of the Processing operation.
- **PUBLIC WORKS** This site does not require platting or public improvements. This site is served by a water well and septic system.

**CONCLUSION:** Staff presents this item, Ordinance No. O-1920-61, to you for your consideration.