
ORDINANCE NO. O-2021-35

ITEM NO. 10

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Joe Wilson
REQUESTED ACTION	Special Use for a Medical Marijuana Dispensary
EXISTING ZONING	I-1, Light Industrial District
SURROUNDING ZONING	North: I-1, Light Industrial District East: PUD, Planned Unit Development Ordinance No. 0910-11 South: PUD, Planned Unit Development Ordinance No. 1314-16 West: PUD, Planned Unit Development Ordinance No. 9798-24
LOCATION	3001 36 th Avenue N.W.
SIZE	1,248 square feet
PURPOSE	Medical Marijuana Dispensary
EXISTING LAND USE	Industrial
SURROUNDING LAND USE	North: Industrial East: Medical offices South: Business park West: Residential
LAND USE PLAN DESIGNATION	Industrial
GROWTH AREA DESIGNATION	Current Urban Service Area

SYNOPSIS: Joe Wilson is requesting a Special Use for Medical Marijuana Dispensary; the base zoning of I-1, Light Industrial District will remain. The site is currently operating as a Medical Marijuana Commercial Grower and a Medical Marijuana Processor and they are requesting to add the use for a Dispensary as well.

HISTORY: The I-1, Light Industrial District, has not historically allowed traditional retail shopfront businesses. The only retail permitted has been the sale of large equipment or automobiles/boats. With adoption of Ordinance 1920-39, the I-1 District allows Medical Marijuana Commercial Grower and Medical Marijuana Processor (any Tier, except that Tier I and Tier II will not be allowed to have on-site sales). Medical Marijuana Dispensary is listed as a Special Use in this zoning district.

ZONING ORDINANCE CITATION:

SEC. 434.1 - SPECIAL USES

Any use designated as a "Special Use" under any zoning district is not appropriate for each and every parcel of land which is included in the pertinent zoning district. However, upon review, the City Council may determine that one or more "Special Uses" should be approved for a specific parcel of land. Such approval, by ordinance duly adopted by the City Council, may come after a public notice and a hearing by the Planning Commission. Any such approval may be made conditional on the subject parcel of land meeting and maintaining specific requirements and/or conditions.

- (b) Review and Evaluation Criteria: The Planning Commission shall review and evaluate any "Special Use" proposal and recommend to the City Council using the following criteria:
 - (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.
- (c) Planning Commission Hearing and Recommendation: The Planning Commission shall hold a public hearing on each application for a "Special Use". Public

notification requirements shall be the same as a rezoning procedure. At the public hearing, the Commission shall review the application and shall receive public comments concerning the proposed use and the proposed conditions under which it would be operated or maintained. The Planning Commission may recommend that the City Council establish conditions of approval. Conditions may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation, regulation of signs; regulation of hours or other characteristics of operation; and such other conditions as the Commission may deem necessary to insure compatibility with surrounding uses, and to preserve the public health, safety, and welfare.

EXISTING ZONING: The base zoning for this property will remain I-1, Light Industrial District. This district allows all types of processing (with no retail sales for Tier I and Tier II) and growing by right. Special Use is required for a dispensary.

The applicant currently uses the property for both processing and growing. The approval of a dispensary would allow the applicant to sell the products they grow and process. The applicant would also like to eventually provide tours of their facility to educate customers about the process. This would be permitted under the current zoning as an Education Facility.

ANALYSIS:

- **SITE PLAN** The site will remain as it currently exists. The only changes will be interior remodel of the northwest corner of the building. See the attached site plan and floor plan.
- **IMPACTS** This property has been zoned for industrial uses since January 21, 1969 with Ordinance No. O-2134. The dispensary use should not have any negative impacts on the surrounding properties.

OTHER AGENCY COMMENTS:

- **PREDEVELOPMENT PD21-09** **FEBRUARY 25, 2021**
One neighbor attended only to hear the applicant's proposed plans and did not express any issues with the application; they just wanted to know what is planned for the site.
- **PUBLIC WORKS** The property is platted and all infrastructure is in place.

CONCLUSION: Staff forwards this request for Special Use for Medical Marijuana Dispensary as Ordinance No. O-2021-35 to Planning Commission for review and consideration.