



**STAFF REPORT TO THE PLANNING COMMISSION**  
**SPECIAL USE REQUEST: 402-404 S. OAK STREET**  
**Adult Use Marihuana Grow Class C      09.08.2021**

**GENERAL INFORMATION:**

Applicants:	Sardor Vakhidov and Blackbirds, LLC
Status of Applicants:	Developer
Existing Zoning:	M -1 Light Industrial
Property Address:	402-404 S. Oak Street, Buchanan MI 49107
Present Land Use:	Light Industrial
Adjacent Use:	N – Light Industrial
	S – Light Industrial
	E – Light Industrial
	W– Light Industrial

The applicant has requested a special use approval to operate an Adult Use Marihuana Class C Grow Facility at 402-404 St. Oak Street. The applicant has stated that the Grow Facility will be compliant with all City and State regulations related under MRTMA. This report will address the standards contained in the Zoning Ordinance.

**Section 20.03 - Basis of Determination** Prior to approval of a special use application, the Planning Commission shall insure those standards specified in this Article, as well as applicable standards established elsewhere in this ordinance, shall be satisfied by the completion and operation of the special use under consideration.

Following are the Standards, with my commentary in *italics*.

1. **General Standards.** The Planning Commission shall review the particular circumstances of the special use application under consideration in terms of the special use standards and shall approve a special use only upon a finding in consideration of each of the following standards, as well as applicable standards established elsewhere in this ordinance.

A. The special use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

*The proposed special use Adult Use Marihuana Class C Grow Facility will be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area because it will be used in accordance with the requirements of the Zoning Ordinance, Ordinance 2019.10.413. (Adult Use*

*Marihuana Police Power Ordinance), Ordinance 2019.11/414 (Zoning Ordinance Amendment), and all State of Michigan requirements.*

B. The special use shall not change the essential use of the surrounding area.

*The special use shall not change the essential use of the surrounding area because it is an adaptive reuse of a parcel already zoned light industrial.*

C. The special use shall not be hazardous to adjacent property, or involve uses, activities, materials, or equipment which will be detrimental to the health, safety or welfare or persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.

*The special use shall not be hazardous to the adjacent property or detrimental to the health, safety and welfare of persons and property because it will be conducted in a locked facility in compliance with all applicable City Ordinances and State of Michigan requirements. It will have an extensive carbon scrubber air filtration system and exterior lighting and security cameras. The Fire Department previously reviewed the application and will inspect the facility as required by both the City and State.*

D. The special use shall not place demands on public services and facilities in excess of current capacity.

*The special use shall not place demands on public services and facilities in excess of current capacity because it will be constructed in compliance with all City and State requirements. Water, sewer, and electric utilities are available to the site, as is gas if required. Adequate parking is available on site.*

E. The special use is in compliance with the City of Buchanan Comprehensive Plan.

*The special use is in compliance with the City of Buchanan Master Plan. The special use is an adaptive reuse of a building zoned light industrial.*

**2. Conditions.** The Planning Commission may require reasonable conditions in conjunction with approval of any special land use. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure the compatibility with adjacent uses of land, and to promote the use of land in a socially acceptable and economically desired manner. Conditions imposed shall consider all of the following:

A. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

C. Be necessary to meet the intent and purpose of the zoning regulations be related to the standards established in the Ordinance for the land use or activity under consideration; and be necessary to ensure compliance with those standards.

D. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the public record of the approval action and remain unchanged except upon the mutual consent of the Plan Commission and the landowners.

The Planning Commission may impose the condition that the special use approval is limited specifically to an Adult Use Marihuana Class C Grow Facility.

### **3. Decision**

The ZBA has two options to consider, whether to grant the special use request with or without conditions or whether to deny. The Planning Commission must make findings of fact to support your decision considering the factors above.

*Based on the above findings, the Community Development Department recommends approval of the special use request.*

Respectfully submitted,

Richard Murphy  
Community Development Director