

ORDINANCE NO. O-1920-17

ITEM NO. 11

STAFF REPORT

GENERAL INFORMATION

APPLICANT	UWD Norman Medical Dispensary (Jerry Flowers & LaStar Pennington)
REQUESTED ACTION	Special Use for a Medical Marijuana Processor, as allowed by state law
EXISTING ZONING	C-2, General Commercial District
SURROUNDING ZONING	North: C-2, General Commercial District East: RM-2, Low Density Apartment District South: RM-2, Low Density Apartment District West: C-2, General Commercial District
LOCATION	1304 Lindsey Plaza Drive
SIZE	2,200 square feet, more or less
PURPOSE	Medical Marijuana Processor, as allowed by state law – Extraction on-site, Pre-Rolled Joints and Dispensary
EXISTING LAND USE	Retail Shops
SURROUNDING LAND USE	North: Warehouse and retail shops East: Duplexes South: Duplexes West: Bank
LAND USE PLAN DESIGNATION	Commercial
GROWTH AREA DESIGNATION	Current Urban Service Area

SYNOPSIS: The applicant is requesting Special Use for a Medical Marijuana Processor in the C-2, General Commercial District to operate a medical marijuana processing business. The applicant is approved by the Oklahoma Medical Marijuana Authority (OMMA) for a Medical Marijuana Dispensary and Processor License at this location as allowed by state law. The

applicant will be extracting THC from the flower on-site to make tinctures, edibles and other products utilizing extracted THC as well as pre-rolled flower joints.

ANALYSIS: City Council passed the Medical Marijuana Ordinance, O-1819-17 on December 11, 2018 and on August 27, 2019 amended the ordinance, O-1920-4, to reflect the State Unity Bill.

State law defines Medical Marijuana Processor as: ***"Medical marijuana processor"** means a person or entity licensed pursuant to this act to operate a business including the production, manufacture, extraction, processing, packaging or creation of concentrate, medical-marijuana-infused products or medical marijuana products as described in this act.*

The Zoning Ordinance states that a Medical Marijuana Dispensary is a permitted use in C-2, General Commercial District as allowed by state law, and a Medical Marijuana Processor requires Special Use in the C-2, Local Commercial District. Therefore, the applicant is required to obtain a Special Use to operate as a Medical Marijuana Processor.

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.

Based on the criteria to evaluate a Special Use, this request is compatible with the surrounding uses and equivalent intensity of use; therefore, Special Use for a Medical Marijuana Processor will not be a negative impact on surrounding uses.

This is an existing retail development; no exterior modifications are required for the site with this proposal. There are no potentially unfavorable effects or impacts expected with this request.

ALTERNATIVES/ISSUES:

- **IMPACTS** Special Use for a Medical Marijuana Processor will not have a greater impact to similar businesses established at this location and in the general vicinity; the applicant's proposal is similar to existing uses in the general vicinity.

The applicant is required to follow all City of Norman codes, and acquire all City of Norman permits, licenses and obtain an Annual Medical Marijuana Processor License to continue the Special Use permit.

OTHER AGENCY COMMENTS:

- **PARK BOARD** Parkland dedication is not required for this commercial infill development proposal.
- **PREDEVELOPMENT PD19-19** September 26, 2019
No neighbors attended the meeting.
- **PUBLIC WORKS** This parcel is platted as part of the East Lindsey Plaza 2 Addition, Lot 2 of Block 1; all public infrastructures are in place.

STAFF RECOMMENDATION:

Staff supports this request and recommends approval of Ordinance No. O-1920-17.