



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: O-2021-1

File ID: O-2021-1

Type: Zoning Ordinance

Status: Non-Consent Items

Version: 1

Reference: Item 42

In Control: City Council

Department: Planning and
Community
Development
Department

Cost:

File Created: 06/24/2020

File Name: Vincent Precilla Special Use

Final Action:

Title: CONSIDERATION OF ORDINANCE O-2021-1 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT 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" IN THE A-2, RURAL AGRICULTURAL DISTRICT, FOR PART OF THE SOUTHWEST QUARTER OF SECTION SEVEN (7), TOWNSHIP NINE (9) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (3927 12TH AVENUE N.W.)

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance O-2021-1 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance O-2021-1 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 08/25/2020

Agenda Number: 42

Attachments: O-2021-1, Exhibit A - Site Plan 7-9-2020, Location Map, Staff Report, Protest Map and Letters 7-7-2020, 7-9-20 PC Minutes - Vincent Precilla

Project Manager: Lora Hoggatt, Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	07/09/2020	Recommended for Adoption at a subsequent City Council Meeting	City Council	08/11/2020		Pass
	Action Text:	That this Zoning Ordinance be Recommended for Adoption at a subsequent City Council Meeting. to the City Council due back on 8/11/2020 by consent roll call					
1	City Council	08/11/2020	Introduced and adopted on First Reading by title only				Pass
	Action Text:	That this Zoning Ordinance be Introduced and adopted on First Reading by title only. by consent roll call					

Text of Legislative File O-2021-1

Body

SYNOPSIS: The applicant, Vincent Precilla, 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 3927 12th Avenue N.W., with a waiver to the exterior appearance requirement for masonry which is triggered by the Special Use.

ANALYSIS: The A-2, Rural Agricultural District, allows for Medical Marijuana Commercial Grower by right. The applicant is currently operating 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. In 2019, the applicant obtained a permit to convert an existing building to operate a medical marijuana commercial grow facility. The building will not be expanded; the applicant is requesting to use 80 square feet of the existing building for Special Use. Though the use is defined in the Zoning Ordinance as including any or all of the three Tiers for Processors recognized by the City of Norman, the applicant has added a special condition to his application to request only a Special Use for Tier I Processing without a shopfront. This Special Use will allow applicant only to make pre-rolls in addition to the current growing use. This means that in order to process medical marijuana in any other way allowed by the current state definition, applicant would have to come back to City Council to request an additional Special Use.

Section 431.4 Exterior Appearance requirements in the Zoning Ordinance states; "any institutional or non-residential Special Use in any zoning district shall have all exterior walls constructed using masonry material covering at least eighty percent (80%) of said walls, exclusive of all windows, doors, roofs, glass, or sidewalk and walkway covers, unless waived by the City Council as part of the approval." The applicant is requesting a waiver to this provision. The building currently used for a grow facility, and to be used for the 80 SF of processing, was constructed prior to the use of the building as a Special Use. The A-2, Rural Agricultural District, does not have exterior masonry requirements so the building met code at the time of construction; the requirement for exterior masonry is triggered only by the application for Special Use on this site. The applicant plans to construct a second grow building, with no processing, as shown on the site plan. Applicant contends that requiring exterior masonry materials post construction on the existing building would create an undue hardship for the applicant.

OTHER AGENCY COMMENTS:

- **PRE-DEVELOPMENT PD20-15 - June 25, 2020**
Neighbors are concerned about sales occurring on-site. Staff explained that sales is not allowed on-site for Tier I and Tier II of this request. The applicant explained that no sales will take place on the property because that is not part of their business model. The neighbors also asked about signage and any new buildings/facilities.

- **PUBLIC WORKS**: The property does contain flood plain but not in the area of the existing buildings. The property is Tract 1 of Hansmeyer Farms, Norman Rural Certificate of Survey COS-0405-18 filed of record May 13, 2005.

CONCLUSION: Staff presents this item, Ordinance O-2021-1, to you for your consideration.

At their meeting of July 9, 2020, the Planning Commission recommended adoption of Ordinance O-2021-1 by a vote of 5-2.