



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: O-1920-61

File ID: O-1920-61

Type: Zoning Ordinance

Status: Non-Consent Items

Version: 1

Reference: Item 20

In Control: City Council

Department: Planning and
Community
Development
Department

Cost:

File Created: 06/01/2020

File Name: Jordan Fayak Special Use

Final Action:

Title: CONSIDERATION OF ORDINANCE O-1920-61 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 NORTHEAST QUARTER OF SECTION ELEVEN (11), TOWNSHIP NINE (9) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (4520 EAST FRANKLIN ROAD)

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance O-1920-61 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance O-1920-61 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 07/28/2020

Agenda Number: 20

Attachments: O-1920-61 with Exhibits A-B, Location Map, Staff Report, Site Plan, Predevelopment Summary, 1 - Protest Map - Fayak 6-10-20, 1 - Fayak Protests

6-10-20, Additional Protest 6-11-20, 6-11-20 PC
Minutes - Fayak Spec Use

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	06/11/2020	Recommended for Adoption at a subsequent City Council Meeting	City Council	07/14/2020		Pass
	Action Text:	A motion was made by Boeck, seconded by Williford, that this Zoning Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council, due back on 7/14/2020. The motion carried by the following vote:					
1	City Council	07/14/2020	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					
1	City Council	07/28/2020					

Text of Legislative File O-1920-61

Body

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, and has added this as a "Special Use Condition of Approval" to the requested special use. 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; however, the applicant has not requested to limit its Special Use to only Tier I Processing only. 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 requested 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. 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.

At their meeting of June 11, 2020, Planning Commission recommended adoption of Ordinance No. O-1920-61 with the “Special Use Conditions of Approval” offered by the applicant, by a vote of 5-3, with one abstention.