



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: O-1920-17

File ID: O-1920-17

Type: Zoning Ordinance

Status: Non-Consent Items

Version: 1

Reference: Item 28

In Control: City Council

Department: Planning and
Community
Development
Department

Cost:

File Created: 09/18/2019

File Name: 1304 Lindsey Plaza Drive - Medical Marijuana
Processor

Final Action:

Title: CONSIDERATION OF ORDINANCE O-1920-17 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 A MEDICAL MARIJUANA PROCESSOR, AS ALLOWED BY STATE LAW, IN THE C-2, GENERAL COMMERCIAL DISTRICT FOR LOT TWO (2), BLOCK ONE (1), EAST LINDSEY PLAZA #2, NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1304 LINDSEY PLAZA DRIVE)

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance O-1920-17 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance O-1920-17 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 11/26/2019

Agenda Number: 28

Attachments: O-1920-17, Site Plan UWD Processing, Location
Map, Staff Report, Site Plan, Pre-Development
Summary, 10-10-19 PC Minutes - Item 11 - UWD
Norman Medical Dispensary

Project Manager: Janay Greenlee, Planning

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	10/10/2019	Recommended for Adoption at a subsequent City Council Meeting	City Council	11/12/2019		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 11/12/2019. The motion carried by the following vote:						
1	City Council	11/12/2019	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-1920-17

Body

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 not be extracting THC from the flower on-site. They will be purchasing distillates and rosin from processors that extract from flower to make their own personal tinctures and edibles. They will also be making juices 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.

The applicant is requesting a special use limited to grinding/pre-rolling and adding concentrates (that were created offsite) to products on site, and will also be making juices and other products utilizing extracted THC, and will not be able to engage in extraction activities of any kind without coming back to City Council. 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 O-1920-17. At their October 10, 2019 meeting, the Planning Commission recommended adoption of Ordinance O-1920-17 by a vote of 4-3.