
ORDINANCE NO. O-2021-1

ITEM NO. 6

STAFF REPORT

GENERAL INFORMATION

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| APPLICANT | Vincent Precilla |
| REQUESTED ACTION | 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", with a waiver of Section 431.4(1)(d), Exterior Appearance |
| EXISTING ZONING | A-2, Rural Agricultural District |
| SURROUNDING ZONING | North: A-2, Rural Agricultural District East: A-2, Rural Agricultural District South: A-2, Rural Agricultural District & RE, Residential Estates District West: PUD, Planned Unit Development (Founder's Park) |
| LOCATION | 3927 12 th Avenue N.W. |
| SIZE | 25 acres, more or less |
| PURPOSE | Addition of Medical Marijuana Processing to an existing Medical Marijuana Grow |
| EXISTING LAND USE | Residence and Medical Marijuana Commercial Grow Facility |
| SURROUNDING LAND USE | North: Vacant, Moore-Norman Tech Center East: Vacant South: Vacant, Residential West: Vacant |
| LAND USE PLAN DESIGNATION | Low Density Residential |

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 as Tier I Processing without a shopfront (which 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. In this specific case/application, the applicant has stated that “pre-rolls” will be the only form of processing conducted at this site.

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 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. Requiring exterior masonry materials post construction on the existing building and the future grow 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 No. COS-0405-18 filed of record May 13, 2005.

CONCLUSION: Staff presents this item, Ordinance No. O-2021-1, to you for your consideration.