



Legislation Details (With Text)

File #: O-1920-6 **Version:** 1 **Name:** Nick Brown, Spec Use for MM Processor
Type: Zoning Ordinance **Status:** Passed
File created: 7/18/2019 **In control:** City Council
On agenda: 10/22/2019 **Final action:** 10/22/2019
Title: CONSIDERATION OF ORDINANCE O-1920-6 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-1, LOCAL COMMERCIAL DISTRICT FOR LOT FOUR (4), BLOCK ONE (1), OF SOUTHLAND PLAZA ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1102-1104 24TH AVENUE S.E.)

Sponsors:

Indexes:

Code sections:

Attachments: 1. City Council Staff Report, 2. O-1920-6, 3. Location Map, 4. Staff Report - Midtown Processing, 5. Updated Site Plan, 6. Protests, 7. Predevelopment Summary, 8. 9-12-19 PC Minutes - Item 3 - Midtown Processing

Date	Ver.	Action By	Action	Result
10/22/2019	1	City Council		
10/22/2019	1	City Council		
10/22/2019	1	City Council		
10/8/2019	1	City Council		
9/12/2019	1	Planning Commission		
8/8/2019	1	Planning Commission		

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SYNOPSIS: The applicant is requesting Special Use for a Medical Marijuana Processor in the C-1, Local 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.

At the September 12 meeting of the Norman Planning Commission, the applicant, Nick Brown, responded to Commissioner's questions about on-site activities by stating that processing can mean a number of things, in their case they will essentially operate as a bakery that adds refined cannabis oils to their ingredients and that the applicant does not plan to extract at the site, and will not be

opening a shop front for retail sales to the public. **Though this description does not include extraction on-site, the Special Use requested by this applicant encompasses the entire definition of “Marijuana Processing” under current state law, and gives applicant the option of engaging in extraction in the future.** The applicant would still be required to apply for and receive any required building permits for equipment installed for the purposes of extraction done on-site.

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.

A Marijuana Processor is defined as follows per Sec. 13-3401-Definitions: “An entity that has been licensed by the State pursuant to Title 63 O.S. 423, which allows the entity to: purchase marijuana from a commercial grower; prepare, manufacture, process, package, sell to, and deliver medical marijuana products to a dispensary licensee or other processor licensee; and may manufacture marijuana received from a qualified patient into a medical marijuana concentrate, for a fee.”

The Zoning Ordinance states that a Medical Marijuana Dispensary is a permitted use in C-1, Local Commercial District as allowed by state law, and a Medical Marijuana Processor requires a Special Use in the C-1, 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 with this request.

ALTERNATIVES/ISSUES:

- **IMPACTS:** A 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 this retail shopping center.

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 PD19-10 - August 22, 2019**
No neighbors attended the meeting.
- **PUBLIC WORKS:**
This parcel is platted as part of the Southland Plaza Addition Lot 4 of Block 1; all public infrastructure is in place.

STAFF RECOMMENDATION: Staff supports and recommends approval of Ordinance O-1920-6.

Planning Commission, at their meeting of September 12, 2019, recommended adoption of Ordinance O-1920-6 by a vote of 4-2.