
ORDINANCE NO. O-2122-27

ITEM NO. 8

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Binh Vu To and Hong Loan Thi Danh
REQUESTED ACTION	Special Use for a Tier III Medical Marijuana Processor
EXISTING ZONING	C-2, General Commercial District
SURROUNDING ZONING	North: C-2, General Commercial District East: C-2, General Commercial District and RM-2, Low Density Apartment District South: C-2, General Commercial District and RM-2, Low Density Apartment District West: C-2, General Commercial District and PUD, Planned Unit Development
LOCATION	1228 Lindsey Plaza Drive
SIZE	0.3 acres, more or less
PURPOSE	Medical Marijuana Processing
EXISTING LAND USE	Warehouse
SURROUNDING LAND USE	North: Commercial East: Commercial South: Commercial West: Commercial
LAND USE PLAN DESIGNATION	Commercial Designation

SYNOPSIS: The applicants, Binh Vu To and Hong Loan Thi Danh, are requesting Special Use for a Tier III Medical Marijuana Processor at 1228 Lindsey Plaza Drive. The property is zoned C-2, General Commercial District.

HISTORY: The property was rezoned from A-2, Rural Agricultural District, to C-2, General Commercial District, in April 1972. The subject and surrounding properties were intended at the time of rezoning to be used for the construction of a small shopping center.

ZONING ORDINANCE CITATION: 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.

EXISTING ZONING: The property is currently zoned C-2, General Commercial District. This district is intended for the conduct of personal and business services and the general retail business of the community. The C-2 Zoning District requires Special Use approval for Tier III Medical Marijuana Processing.

ANALYSIS:

SITE PLAN: This property has two access points; one off E Lindsey Plaza Drive and one off an alley. The applicant will not be changing the existing exterior building or site. There is existing adequate on-site parking.

The applicant will be performing light processing, including the creation of pre-rolls, cannabis cigars, cartridges, and distillates, which are in Tier III of Medical Marijuana Processing as defined by the State of Oklahoma. A Tier III Medical Marijuana Processor is "a facility defined and regulated by Oklahoma state law as a Medical Marijuana Processor, and which engages in any type(s) of Medical Marijuana Processing, including all allowed extraction processes, except that on-site sales are not permitted."

IMPACTS: The applicant will not grow medical marijuana or operate a dispensary from this site. 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:

PUBLIC WORKS: This site is platted and all public utilities are installed.

PREDEVELOPMENT: PD21-37, November 17, 2021

Neighbors are concerned that families live nearby. Applicant described rigorous process and explained that children could not get access to marijuana. Neighbors were also concerned about addiction and crime. Applicant said that medical marijuana is not an addiction. Neighbor asked how much processing is in Norman. Planning staff responded that they did not know. Neighbor encouraged applicant to move to an industrial area. Applicant stated that they have a two year lease.

CONCLUSION: Staff forwards this request for Special Use and Ordinance No. O-2122-27 for Planning Commission's consideration.