



City of Broken Arrow

Request for Action

File #: 19-1471, **Version:** 1

Broken Arrow Planning Commission

12-05-2019

To: Chairman and Commission Members
From: Development Services Department

Title: Public hearing, consideration, and possible action regarding PUD-126C (Planned Unit Development Major Amendment), Broken Arrow Plaza, 9.64-acres, CG/PUD-126 (Commercial General), located west of Elm Place (S. 161st E. Avenue), north of Tucson Street (121st Street)

Background:

Applicant: Lou Reynolds, Eller & Detrich, P.C.
Owner: Broken Arrow Plaza Associates, LLC
Developer: NA
Engineer: NA
Location: West of Elm Place, north of Tucson Street
Size of Tract 9.64 acres
Present Zoning: CG/PUD-126
Proposed Zoning: CG/PUD-126C
Comp Plan: Level 6

Planned Unit Development (PUD)-126C involves a 9.64-acre parcel located west Elm Place (161st E. Avenue), north of Tucson Street (121st Street). With PUD-126C, applicant is proposing a major amendment to PUD-126 to allow medical marijuana dispensary as a permitted use.

On February 19, 2001, the City Council approved PUD-126 for Waterloo Way, subject to the property being platted. Previous amendments to the PUD involved rezoning Lot 3 to CH (Commercial Heavy) and amending signage for the commercial center. The property was platted as Lot 2 Block 1 Waterloo Way, filed in Tulsa County on August 15, 2002. On March 9, 2006, the Planning Commission approved a lot split (BAL-907) that split a 1.53-acre parcel from Lot 2. On August 26, 2010, the Planning Commission approved a request to split Lot 2 further. Currently, Lot 2 is 9.64 acres.

With PUD-126C, the applicant is requesting approval to include Medical Marijuana Dispensary as a permitted use in addition to other principal and accessory uses permitted as a matter of right in the CG (Commercial General) zoning district. When PUD-126 was approved, medical marijuana dispensary was not a permitted use; therefore, an amendment to the PUD is necessary to include the dispensary use as a permitted use.

On September 18, 2018, the City Council adopted Ordinance No. 3542 allowing for retail medical marijuana establishments, commercial marijuana growing facilities, wholesale marijuana facilities, and marijuana storage

facilities. The ordinance allows for retail medical marijuana establishments in commercial zoning districts provided that the establishment is not located within one thousand (1,000) feet from any public or private school entrance. The ordinance also outlines the process that an operator must complete in order to obtain the required City of Broken Arrow Medical Marijuana Dispensary permit. Should this PUD major amendment be approved, the business operator will be required to obtain the dispensary permit.

The surrounding properties contain the following uses, along with the following development guide and zoning designations:

Location	Development Guide	Zoning	Land Use
North	Level 6	PUD 126/CG	Commercial center, bank
East	Level 6	PUD 126A/CH PUD-126/CG	Car wash Bank
South	Level 4	PUD-199A/CN	Under construction for retail and restaurant
West	Level 3	PUD-220B/RM	Apartments

According to FEMA maps, none of the property is located in a 100-year floodplain area. City services are existing for the site.

The property associated with PUD-126C is designated as Level 4 in the Comprehensive Plan recently adopted by the City Council. The underlying zoning for this property, CG (Commercial General), is considered to be in conformance with the Comprehensive Plan in Level 4, and Medical Marijuana dispensary is a permitted use in the CG zoning district.

Attachments: Case map
Aerial
PUD Amendment Development Standards

Recommendation:

Based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-126C be approved, subject to the following condition of approval.

1. Obtain all applicable licenses and permits.

Reviewed and Approved By: Larry R. Curtis

JMW