



City of Broken Arrow

Request for Action

File #: 19-1470, **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-17C (Planned Unit Development Major Amendment), Vandever Acres Center, 4.94-acres, CG/PUD-17 (Commercial General), located west of the northwest corner of New Orleans Street (101st Street) and Elm Place (161st E. Avenue)

Background:

Applicant: Lou Reynolds, Eller & Detrich, P.C.

Owner: 1990 Vandever Acres L.P.

Developer: NA

Engineer: NA

Location: West of northwest corner of New Orleans Street and Elm Place

Size of Tract 4.94 acres

Present Zoning: CG/PUD-17

Proposed Zoning: CG/PUD-17C

Comp Plan: Level 4

Planned Unit Development (PUD)-17C involves a 4.94-acre parcel located west of the northwest corner of New Orleans Street (101st Street) and Elm Place. With PUD-17C, applicant is proposing a major amendment to PUD -17 to allow medical marijuana dispensary as a permitted use.

PUD-17 was approved by the City Council in 1980 and included C-2 (now converted to CG) zoning for this site. The property was platted as Lot 3 Block 1 Vandever Acres Center, filed in Tulsa County on January 30, 1981. A lot split (BAL-452) in 1983 further split this lot. The resulting tract that is the subject of this PUD major amendment is a 4.94-acre tract.

With PUD-17C, 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-17 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 4	PUD 17/CH PUD10C/CG PUD-3/CG	Ministorage Office Office
East	Level 4	PUD 17C/CG PUD-17/CG	Church, retail Restaurant
South	Level 4	PUD-131B/CH CG	Ministorage Pharmacy, commercial center
West	Level 3 and 4	PUD-17/CH PUD-10/CG	Ministorage Restaurant, office

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-17C 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-17C be approved, subject to the following condition of approval.

1. Obtain all applicable licenses and permits.

Reviewed and Approved By: Larry R. Curtis

JMW