

in Tulsa County on June 3, 2019. This request for a minor amendment is to allow medical marijuana growing and processing as a permitted use in Development Area A.

On June 18, 2012, the City Council conditionally approved BACP-123, a request to change the Comprehensive plan designation on 6.51 acres from Level 2 (Urban Residential) to Level 6 (Regional Employment/Commercial). Approval was contingent upon the property being platted and developed through the PUD process.

On November 17, 2016, the City Council conditionally approved PUD-253 and BAZ-1965, a request to change the zoning from Residential Multifamily (RM), Single-Family (R-2), Commercial Neighborhood (CN), and Commercial Heavy (CH) to Industrial Light (IL) and PUD-253 for existing retail shop frontage, storage units, and office buildings.

PUD-253A, approved by City Council on July 2, 2018, divided the property into Development Areas A, B, and C with a public street being constructed between development areas A/C and B. Development Area A, which is on the west half of the property, has an underlying zoning of IL (Industrial Light) and permits uses such as warehouse/office, medical offices, business or professional offices, financial institutions without a drive-thru facility, mini-storage with accessory office, and a communications tower (contingent on specific use permit approval). At the time that PUD-235A was approved, medical marijuana commercial growing/cultivation was not a permitted use in the IL zoning district. Ordinance No. 3540, adopted by City Council on September 18, 2018, permitted medical marijuana commercial growing/cultivation in the Industrial Light and Industrial Heavy districts. With PUD-253B, the applicant is seeking to allow medical marijuana commercial growing/cultivation in Development Area A, as is currently allowed in the IL district.

Development Area B was approved for office use only with an underlying zoning of Office Neighborhood (ON). Development area C is on the west side of North Birch Avenue and south of Development area A. This area permits retail use as allowed by the Commercial Neighborhood (CN) District. Neither the ON nor CN districts currently permit medical marijuana commercial growing/cultivation. With PUD-253B, the applicant is proposing that only Development Area A be updated to include these uses.

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 medical marijuana growing/cultivation establishments in industrial 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 Commercial Grower or Processor Permit permit. Should this PUD major amendment be approved, the business operator will be required to obtain the medical marijuana grower permit. Section 10.D.1.a of the zoning ordinance requires medical marijuana growing/cultivation to be contained within a building which meets the building code adopted by the City of Broken Arrow.

Water and sanitary sewer service to this property are available from the City of Broken Arrow.

SURROUNDING LAND USES/ZONING/COMPREHENSIVE PLAN

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

Location	Development Guide	Zoning	Land Use
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North	Level 3	RM	City of Broken Arrow Stormwater Detention facility
East	Level 2	R-2	Single-Family Residential.
South	Level 6	CH/CN	Commercial Development
West	Level 3 & 6	RD/RM/CH	Commercial Development, Duplexes, and Empty Platted Lot.

None of the property is located in a 100-year FEMA floodplain area.

The development proposed with PUD-253B is considered to be in compliance with the Comprehensive Plan in Level 6.

Attachments: Case map (PUD-253B)
Aerial photo
PUD-253B Design Statement
PUD-253A Development Areas

Recommendation:

Staff recommends that PUD-253B, major amendment to PUD-253A for North Rose Business Park, be approved, with the understanding that only Development Area A shall permit medical marijuana commercial growing/cultivation.

Reviewed By: Jill Ferenc

Approved By: Larry R. Curtis

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