



# City of Broken Arrow

## Legislation Details (With Text)

<b>File #:</b>	20-80	<b>Name:</b>	
<b>Type:</b>	Public Hearings	<b>Status:</b>	Agenda Ready
<b>File created:</b>	12/27/2019	<b>In control:</b>	Planning Commission
<b>On agenda:</b>	1/9/2020	<b>Final action:</b>	1/9/2020
<b>Title:</b>	Public hearing, consideration, and possible action regarding BAZ-2043 (Rezoning), The Cannabis Co. LLC, 0.60 acres, A-1 to CN, west of the northwest corner of 65th Street (241st E. Avenue/Oneta Road) and Highway 51		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. 2-CASE MAP.BAZ-2043, 2. 3-AERIAL.BAZ-2043, 3. 4-COMP PLAN.BAZ-2043, 4. 5-SITE PLAN FOR CANNABIS CO.BAZ-2043, 5. 6-PRAIRIE DALE RECORDED PLAT		

Date	Ver.	Action By	Action	Result
1/9/2020	1	Planning Commission		

### Broken Arrow Planning Commission 01-09-2020

**To:** Chairman and Commission Members  
**From:** Development Services Department  
**Title:** Public hearing, consideration, and possible action regarding BAZ-2043 (Rezoning), The Cannabis Co. LLC, 0.60 acres, A-1 to CN, west of the northwest corner of 65<sup>th</sup> Street (241<sup>st</sup> E. Avenue/Oneta Road) and Highway 51

#### Background:

**Applicant:** David Antonio Aguilar Perez  
**Owner:** Alberto Donato Agredano  
**Developer:** Alberto Donato Agredano  
**Architect:** Align Design Group  
**Location:** West of the northwest corner of 65th Street (241st E. Avenue/Oneta Road) and Highway 51  
**Size of Tract:** 0.60 acres  
**Number of Lots:** 1  
**Present Zoning:** A-1  
**Proposed Zoning:** CN  
**Comp Plan:** Level 4 (Commercial/Employment Nodes)

BAZ-2043 is a request to change the zoning designation on 0.60-acres from A-1 (Agricultural) to CN (Commercial Neighborhood). The property is located west of the northwest corner of 65th Street (241st E. Avenue/Oneta Road) and Highway 51. The property has been platted as a part of Lot 12, Block 2, Prairie Dale

addition. The Prairie Dale addition, however, was platted in Wagoner County, which has different subdivision standards than that required by the City of Broken Arrow.

The A-1 zoning classification was assigned to the property when it was annexed into Broken Arrow on January 5, 1987, with Ordinance 1436. The plat for Prairie Dale was recorded in Wagoner County on August 4, 1970.

Applicant is interested in putting in a medical marijuana dispensary in the existing building on the property. Medical marijuana dispensaries are allowed in the CN district but not in the A-1 district. As a result, they have submitted a request to change the zoning on the property from A-1 to CN.

Surrounding land uses and zoning classifications include the following:

North:	Unincorporated area of Wagoner County	Prairie Dale neighborhood
East:	PUD-247A/CN	Kum-N-Go convenience store
South:	A-1	State Highway 51
West:	A-1	Commercial

The Future Development Guide of the Comprehensive Plan shows the site to be designated as a Level 4. The CN zoning being requested is considered to be in accordance with the Comprehensive Plan in Level 4.

**Attachments:** Case map for BAZ-2043  
Aerial photo  
Comprehensive Plan  
Site plan for Cannabis Co.  
Prairie Dale recorded plat

**Recommendation:**

While the applicant is contemplating having a medical marijuana dispensary on the property, any use allowed in the CN district would be allowed if BAZ-2043 is approved. Therefore, what needs to be evaluated is whether or not this is the appropriate location for CN zoning. The CN zoning requested with BAZ-2043 is in conformance with the Comprehensive Plan.

Therefore, based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that BAZ-2043 be approved, subject to the property being replatted to the City of Broken Arrow Subdivision standards.

**Reviewed by: Jill Ferenc**

**Approved by: Larry R. Curtis**

BDM