



P.O. BOX 850 | COWETA, OKLAHOMA 74429 | PH. (918) 486-2189 | FAX (918) 486-5366 | www.cityofcoweta-ok.gov

AGENDA - REGULAR MEETING
COWETA PLANNING COMMISSION
COWETA CITY HALL, 310 S. BROADWAY
MONDAY, OCTOBER 28, 2019, 6:30 PM

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
 - Melanie Lander ____
 - Jessica Morris ____
 - Kathleen Robinson ____
 - Carter Mathews ____
 - Joanna Jones ____

- IV. CONSENT
(All matters under the "Consent Calendar" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Commissioner may, however, remove an item from consent by request.)

- 1. Minutes of the Coweta Planning Commission Regular Meeting
Approval of the minutes of the Coweta Planning Commission regular meeting held on September 23, 2019.

Documents:

[190923 MINUTES OF THE COWETA PLANNING COMMISSION.PDF](#)

- V. PUBLIC HEARINGS

- 1. Public Hearing on a Proposed Change in Zoning-CZ 19-04
Public hearing to accept public comment on CZ 19-04, an application by Jason N. Smith to change the zoning from CG (General Commercial) district to the IL (Light Industrial) district for a property with the following legal description: the East 240 feet of Lot 2, Block 2, CREEK HOLLOW, a subdivision of part of the S1/2 of SW1/4 of Section 36, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma and generally located east of the northeast corner of State Highway 51 and E 121st Street S.

Documents:

[CZ 19-04 AERIAL VIEW.PDF](#)
[CZ 19-04 ZONING MAP \(2\).PDF](#)

- 2. Public Hearing on a Proposed Amendment to PUD-R 17-02 for Saddle Creek Estates.
Public hearing to accept public comment on a proposed amendment to a Planned Unit Development (PUD), specifically PUD-R-17-02 for Saddle Creek Estates, a subdivision generally located on the northeast corner of the intersection of State Highway 51 and S 321st E Avenue.

Documents:

[AMENDED PUD-R 17-02 AERIAL VIEW MAP.PDF](#)
[AMENDED PUD-R 17-02 ZONING MAP.PDF](#)

- 3. Coweta Zoning Code-Chapter 11 Section 1140(x) and Chapter 13 Section 1340(a)
Public hearing to accept public comment on a proposed text amendment to amend language of the Coweta Zoning Code with regard to Uses Permitted by Specific Use Permit, specifically Chapter

11, Section 1140(x), Medical Marijuana Dispensary and Chapter 13, Section 1340(a), Marijuana Processing Facility and Marijuana Growing Facility-Commercial. The Planning Commission is to hold a public hearing and make a recommendation to the City Council on the proposed amendment to the text of the City of Coweta Zoning Code.

Documents:

[191028 STAFF REPORT ON ZONING CODE AMENDMENTS.PDF](#)

[191028 PROPOSED ORDINANCE AMENDING CH 11 SECTION 1140 X.PDF](#)

VI. OLD BUSINESS

1. Proposed Change in the Coweta Zoning Map Requested by Jason N. Smith

Discussion and possible action on making a recommendation of approval, approval with conditions or denial to the City Council on the proposed change in the Zoning Map from CG (General Commercial) to IL (Light Industrial) requested by Jason N. Smith for a parcel of land with a legal description of: the East 240 feet of Lot 2, Block 2, CREEK HOLLOW, a subdivision of part of S1/2 of SW1/4 tract of Section 36, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma and generally located east of the northeast corner of the intersection of State Highway 51 and E 121st St S.

Documents:

[191028 PROPOSED REZONING.PDF](#)

[191028 PROPOSED ORDINANCE REZONING PROPERTY TO IL.PDF](#)

2. Proposed Amendment to PUD-R 17-02 for Saddle Creek Estates

Discussion and possible action on making a recommendation of approval, approval with conditions, or denial to the City Council on the proposed amendment to PUD-R 17-02 for Saddle Creek Estates.

Documents:

[AMENDED PUD-R 17-02 ZONING MAP.PDF](#)

[1277.PDF](#)

[1277 \(2\).PDF](#)

3. Coweta Zoning Code-Chapter 11 Section 1140(x) and Chapter 13 Section 1340(a)

Discuss and consider possible action, including approval, approval with conditions or denial of a text amendment to amend language of the Coweta Zoning Code with regard to Uses Permitted by Specific Use Permit, specifically Chapter 11, Section 1140(x), Medical marijuana Dispensary and Chapter 13, Section 1340(a), Marijuana Processing Facility and Marijuana Growing Facility-Commercial. The Planning Commission is to hold a public hearing and make a recommendation to the City Council on the proposed amendment to the text of the City of Coweta Zoning Code.

Documents:

[ORDINANCE AMENDING CHAPTER 11 AND 13.PDF](#)

[STAFF REPORT-TEXT AMENDMENT ZONING CODE-CHAPTER 11 AND CHAPTER 13.PDF](#)

VII. NEW BUSINESS

VIII. ADJOURNMENT

IF YOU REQUIRE A SPECIAL ACCOMMODATION PURSUANT TO THE AMERICANS WITH DISABILITIES ACT, PLEASE NOTIFY CITY HALL BY 9:00 A.M. ON THE DATE OF THE MEETING.



**MINUTES
COWETA PLANNING COMMISSION
COWETA CITY HALL 310 S. BROADWAY
MONDAY, SEPTEMBER 23, 2019, 6:30 PM**

I. CALL TO ORDER

Chairperson Melanie Lander called the meeting to order at 6:40 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Carter Mathews	Present
Kathleen Robinson	Present
Jessica Morris	Present
Joanna Jones	Absent
Melanie Lander	Present

Chairperson Melanie Lander requested that the roll be called and a quorum was declared to be present.

IV. CONSENT

Consideration of the Minutes of the Regular Meeting of August 26, 2019.

Motion was made by Commissioner Carter Mathews and seconded by Commissioner Kathleen Robinson to approve the Minutes of the Coweta Planning Commission regular meeting held on August 26, 2019.

Motion passed by a vote of 4-0 with the following votes cast:

Carter Mathews	Yes – to approve
Kathleen Robinson	Yes – to approve
Jessica Morris	Yes – to approve
Joanna Jones	Not present
Melanie Lander	Yes – to approve

V. PUBLIC HEARINGS

1. Public Hearing on Proposed Text Amendment Chapter 4 Section 440(e)

Public hearing to accept public comment on a proposed text amendment to amend language of the Coweta Zoning Code with regard to Chapter 4, Section 440(e), removing Section 440(e) Marijuana Growing Facility-Personal Medical Use requiring a Special Use Permit in the RS-1, RS-2 and RS-3 Residential Single-Family zoning district.

The floor was opened for public comment. There were no citizens in attendance for this hearing. The public hearing was closed.

2. Public Hearing on Proposed Text Amendment to City Code and Zoning Code

Public hearing to accept public comment on proposed text amendments to Part 12, Section 12-803 of the Coweta City Code and Chapter 26, Section 2603 of the Coweta Zoning Code

removing language requiring a Specific Use Permit for Marijuana Growing Facility-Personal Medical Use and amending language regarding Special Use List.

The floor was opened for public comment. There were no citizens in attendance for this hearing. The public hearing was closed.

VI. OLD BUSINESS

1. Proposed Text Amendment to Chapter 4 Section 440(e) of the City Zoning Code
Discussion and possible action on making a recommendation of approval, approval with conditions or denial to the Coweta City Council on a proposed text amendment to Chapter 4, Section 440(e) of the Coweta Zoning Code pertaining to uses permitted by Specific Use Permit.

Commissioner Jessica Morris made a motion to recommend approval to the City Council. That motion was seconded by Commissioner Melanie Lander.

Motion passed by a vote of 4-0 with the following votes cast:

Carter Mathews	Yes – to approve
Kathleen Robinson	Yes – to approve
Jessica Morris	Yes – to approve
Joanna Jones	Not present
Melanie Lander	Yes – to approve

2. Proposed Text Amendment to Part 12, Section 12-803 of the City Code
Discussion and possible action on making a recommendation of approval, approval with conditions or denial to the Coweta City Council on a proposed text amendment to Part 12, Section 12-803 of the Coweta City Code pertaining to Specific Use Permits.

Commissioner Jessica Morris made a motion to recommend approval to the City Council. That motion was seconded by Commissioner Carter Mathews.

Motion passed by a vote of 4-0 with the following votes cast:

Carter Mathews	Yes – to approve
Kathleen Robinson	Yes – to approve
Jessica Morris	Yes – to approve
Joanna Jones	Not present
Melanie Lander	Yes – to approve

3. Amendment of Coweta Zoning Code, Chapter 26, Section 2603
Discussion and possible action on making a recommendation of approval, approval with conditions or denial to the Coweta City Council on a proposed text amendment to Chapter 26, Section 2603 of the Zoning Code of the City of Coweta, Oklahoma pertaining to Special Use Permits.

Commissioner Jessica Morris made a motion to recommend approval to the City Council. That motion was seconded by Commissioner Kathleen Robinson.

Motion passed by a vote of 4-0 with the following votes cast:

Carter Mathews	Yes – to approve
Kathleen Robinson	Yes – to approve
Jessica Morris	Yes – to approve
Joanna Jones	Not present

Melanie Lander

Yes – to approve

VII. NEW BUSINESS

VIII. ADJOURNMENT

Chairperson Melanie Lander moved that the Coweta Planning Commission meeting be adjourned. There were no objections. The meeting was adjourned at 6:54 p.m.

Approved:

Chairman

Secretary

Date

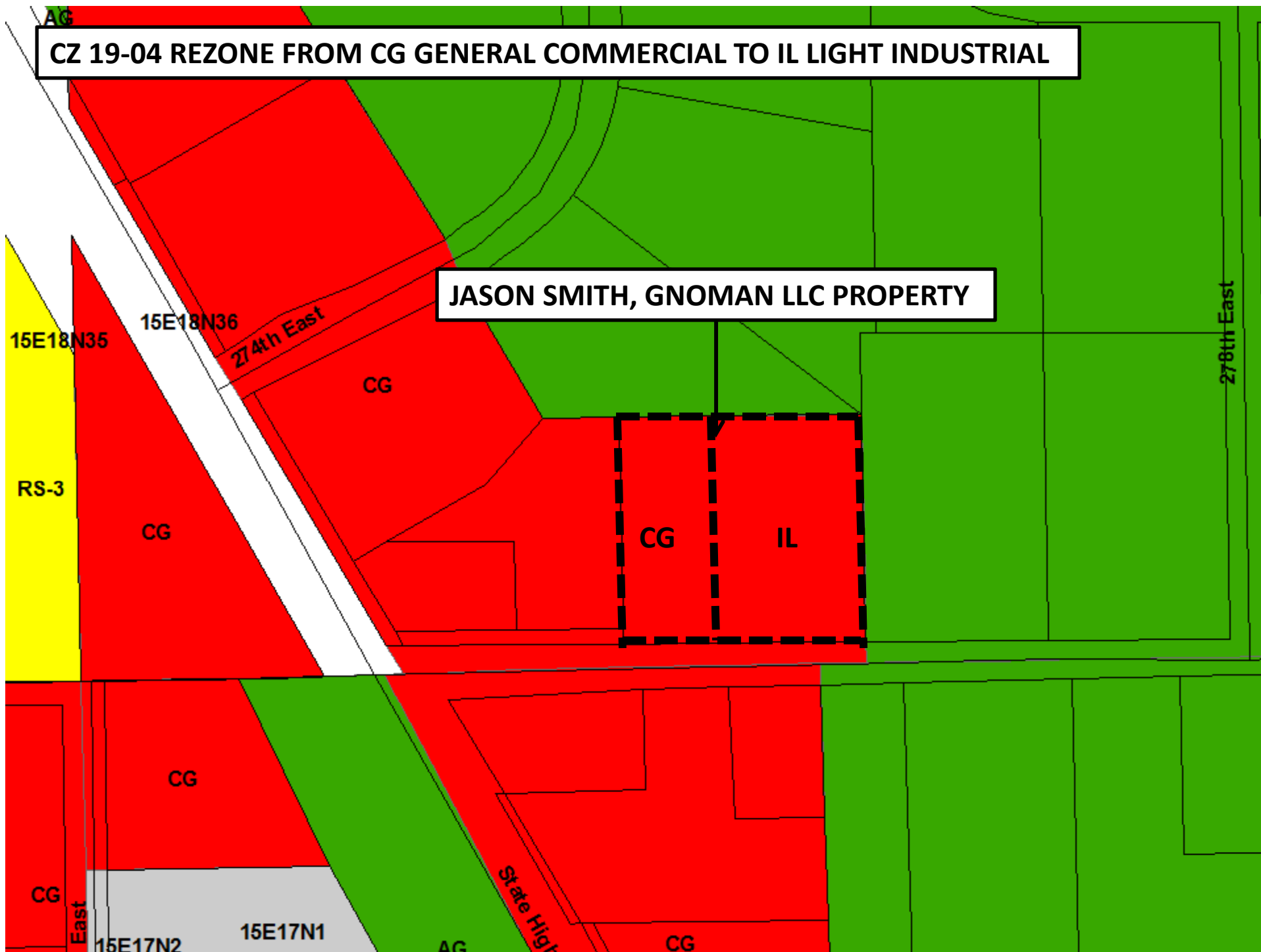
CZ 19-04 REZONE FROM CG GENERAL COMMERCIAL TO IL LIGHT INDUSTRIAL

JASON SMITH, GNOMAN LLC PROPERTY



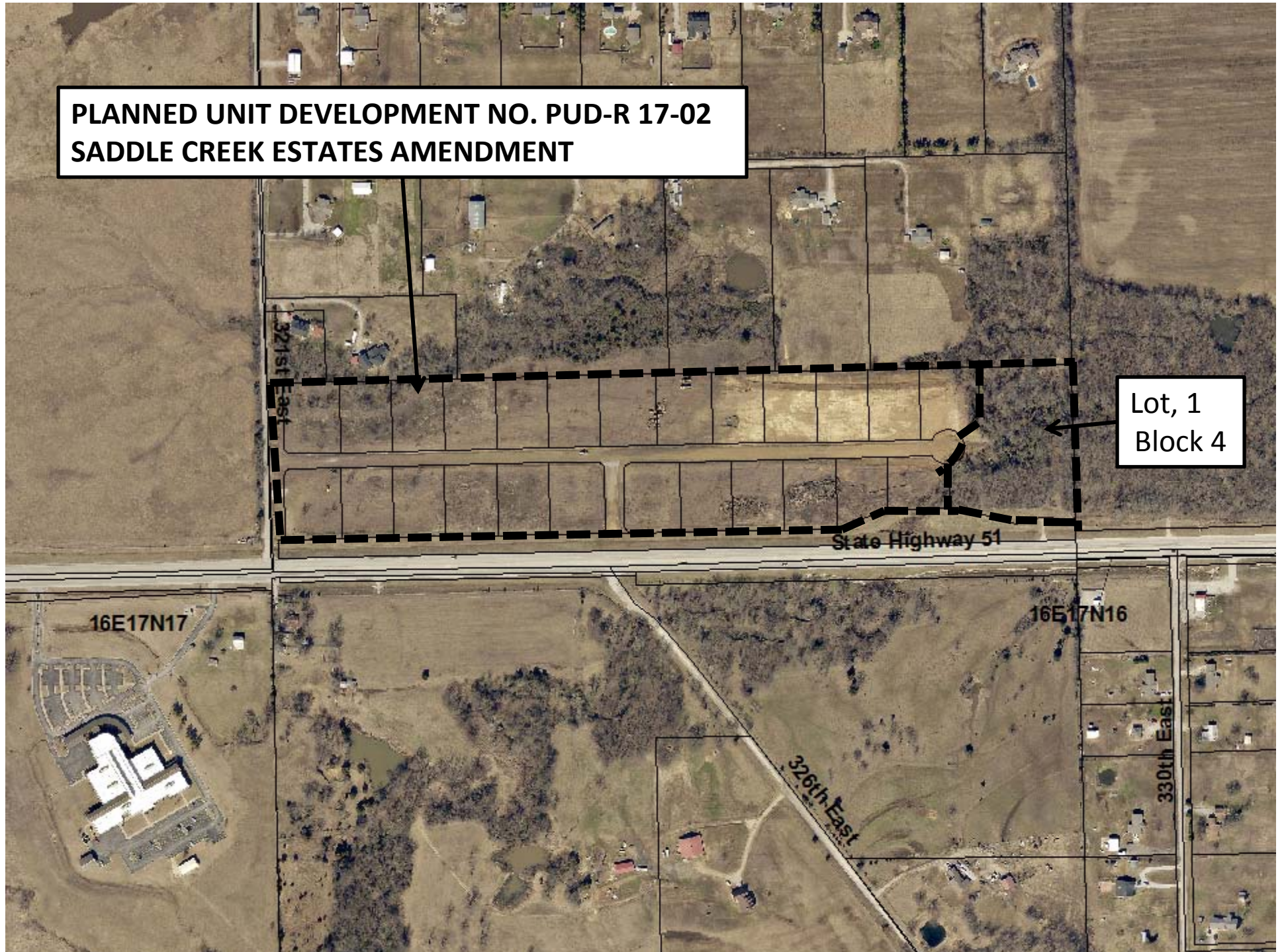
CZ 19-04 REZONE FROM CG GENERAL COMMERCIAL TO IL LIGHT INDUSTRIAL

JASON SMITH, GNOMAN LLC PROPERTY



**PLANNED UNIT DEVELOPMENT NO. PUD-R 17-02
SADDLE CREEK ESTATES AMENDMENT**

Lot, 1
Block 4



**PLANNED UNIT DEVELOPMENT NO. PUD-R 17-02
SADDLE CREEK ESTATES AMENDMENT**

AG

321st East

Lot, 1
Block 4

RS-1

State Highway 51

16E17N17

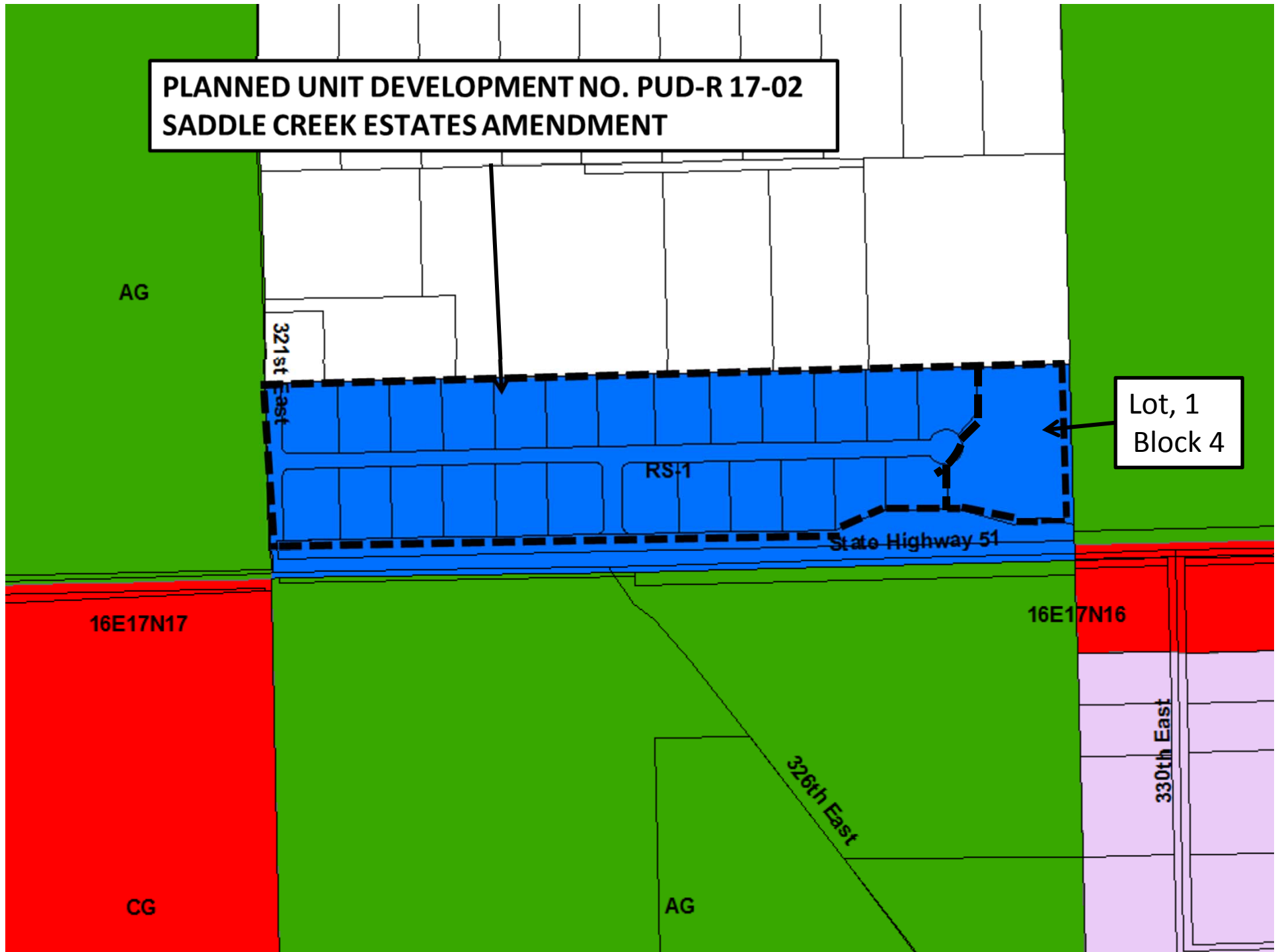
16E17N16

CG

AG

326th East

330th East





POST OFFICE BOX 850 • COWETA, OKLAHOMA 74429 • PH. (918) 486-2189 • FAX (918) 486-5366 • www.cityofcoweta-ok.gov

Memorandum

To: Honorable Chairman and Members of the Planning Commission
From: Wm. H. Cohrs, III, PE; Community Development Director
Re: Chapter 11, Section 1140 and Chapter 13 Section 1340 Uses Permitted by Specific Use Permit;
Date: 11-04-2019

BACKGROUND

The Coweta City Council has been initiated by staff to amend language of the Coweta City Zoning Code with regard to Uses Permitted by Specific Use Permit, specifically Chapter 11 Section 1140 (x) Medical Marijuana Dispensary and Chapter 13 Section 1340 (a) Marijuana Processing Facility and Marijuana Growing Facility - Commercial. By Specific Use permit as granted by the City Council.

This amendment to language in Chapter 11 Section 1140 (x) Marijuana Retail Establishments and Chapter 13 Section 1340(a) Marijuana Processing Facility and Growing Facility of the Zoning Code of the City of Coweta, Oklahoma is to comply with statutory changes adopted in the most recent legislative session. This amendment changes referential terminology for certain medical marijuana businesses to match language adopted by the State of Oklahoma. Language in Chapter 13 referring to Marijuana Retail Establishments has been changed to Medical Marijuana Dispensary and language in Chapter 13 referring to Marijuana Processing and Growing Facilities has been changed to Medical Marijuana Business.

Attached is the amending ordinance being proposed by staff.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission make recommendation the City Council on this Ordinance.

ATTACHMENTS

1. Proposed ordinance amending Chapter 11 Section 1140 (x) Medical Marijuana Dispensary and Chapter 13 Section 1340 (a) Medical Marijuana Business of the Coweta Zoning Code.

Ordinance Number XXX

AN ORDINANCE AMENDING CHAPTER 11 SECTION 1140 (X) AND CHAPTER 13 SECTION 1340 (A) OF THE ZONING CODE OF THE CITY OF COWETA, OKLAHOMA PERTAINING TO USES PERMITTED BY SPECIFIC USE PERMIT; REPEALING ALL ORDINANCES TO THE CONTRARY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COWETA, OKLAHOMA, THAT:

SECTION I. Chapter 11 Section 1140 (x) Marijuana Retail Establishments of the Zoning Code of the City of Coweta, Oklahoma is hereby amended to read as follows:

Section 1140 (x) Medical Marijuana Dispensary

Use Conditions

1. The uses included, when located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.
2. All parking areas and drives shall be paved with an All Weather Surface as otherwise required by this Code.
3. Medical Marijuana Dispensary shall be conducted within enclosed buildings; buildings must be equipped with security system; buildings where marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no noxious odors are detectable off premises.
4. Medical Marijuana Dispensary shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if dispensing medical marijuana produces light, glare, heat, noise, noxious odor, or vibration that is detrimental to public health, safety or welfare or interferes with reasonable enjoyment of life and property.
5. Medical Marijuana Dispensaries are specifically prohibited within one thousand (1,000) feet of any public or private school or within one thousand (1,000) feet of another medical marijuana dispensary.
6. The distance indicated shall be measured in accordance with rules promulgated by the Oklahoma Medical Marijuana Authority and the Oklahoma Department of Health.

SECTION II. Chapter 13 Section 1340 (a) Marijuana Processing Facility and Growing Facility – Commercial, (SUP) of the Zoning Code of the City of Coweta, Oklahoma is hereby amended to read as follows:

Section 1340 (a) Medical Marijuana Business

Use Conditions

1. The uses included, when located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.
2. All parking areas and drives shall be paved with an All Weather Surface as otherwise required by this Code.
3. Medical Marijuana Business shall be conducted within enclosed buildings; buildings must be equipped with security system; buildings where marijuana grown, stored, or processed must be equipped with ventilation/air filtration systems so that no noxious odors are detectable off premises.
4. Medical Marijuana Business shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if dispensing medical marijuana produces light, glare, heat, noise, noxious odor, or vibration that is detrimental to public health, safety or welfare or interferes with reasonable enjoyment of life and property.
5. Medical Marijuana Businesses are specifically prohibited within one thousand (1,000) feet of any public or private school.
6. The distance indicated shall be measured in accordance with rules promulgated by the Oklahoma Medical Marijuana Authority and the Oklahoma Department of Health.

SECTION III. Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION IV. An emergency exists for the preservation of the public, peace, and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.

PASSED AND APPROVED and the emergency clause ruled upon separately this 4th day of November, 2019.

Evette Morris, Mayor

ATTEST:

Julie Casteen, City Clerk

APPROVED:

Ronald D. Cates, City Attorney



POST OFFICE BOX 850 • COWETA, OKLAHOMA 74429 • PH. (918) 486-2189 • FAX (918) 486-5366 • www.cityofcoweta-ok.gov

Memorandum

To: Planning Commission
From: Tom E Young Jr, City Planner
Re: CZ 19-04
Date: 10-28-2019

BACKGROUND

Jason N. Smith is seeking to amend the zoning map to rezone a portion of the parcel, specifically the East 240 feet of Lot 2, Block 2, CREEK HOLLOW, a subdivision of part of S1/2 of SW1/4 tract of Section 36, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, according to the recorded plat thereof. This request for rezoning would be from the CG (General Commercial) district to IL (Light Industrial) district.

The parcel, located at 27541 East 121st Street South, consists of approximately two acres of real estate with two existing structures. The structure to the west is a hair salon and the structure to the east has been used as an events center for weddings and small parties. Those uses are consistent with the existing CG zoning and surrounding land uses.

Proposed Zoning: IL (Light Industrial) High Intensity

Present Zoning: CG (General Commercial) district.

Adjacent Zoning: **North:** AG (Agriculture); **East:** AG (Agriculture); **South:** CG (General Commercial) and AG (Agriculture); **West:** CG (General Commercial)

Comprehensive Plan Intensity: Low, however the subject property was previously rezoned to CG which is a high intensity use

The zoning application seeks to break one parcel of property into two zoning categories, CG and IL. This is not consistent with modern zoning practices, which generally require that each parcel, outside of a PUD, carry only one zoning category. Therefore, staff recommends that this zoning application should be denied.

None of the properties contiguous to this parcel are zoned for industrial use nor are those surrounding land uses necessarily compatible with the IL zoning category. Therefore, staff recommends that this zoning application should be denied.

The Coweta Comprehensive Plan 2020 Land Use Intensities map (pg. 38) shows that area of the community to be predominately low intensity land uses, most likely residential. Also, the Coweta Comprehensive Plan, under Industrial Area Goals (pg. 23) provides in part that "it is intended that the scattering of unplanned industrial uses in areas planned for other uses be discouraged". Additionally, the Industrial Area Policies (pg. 24) provides in part that "industrial districts should separated from low intensity uses by medium intensity nonresidential uses whenever feasible and appropriate." Therefore,

staff finds that the applied for rezoning category is not consistent with the Coweta Comprehensive Plan and recommends denial of the zoning request.

STAFF RECOMMENDATION

The Planning Commission can recommend approval or recommend disapproval of the rezone request to the City Council.

ATTACHMENTS

1. Aerial View Map; 2. Zoning Map; 3. Ordinance No. 000; 4. Public Hearing Notice

**CITY OF COWETA OKLAHOMA
ORDINANCE 000**

AN ORDINANCE APPROVING CZ 19-04 AND REZONING A TRACT OF LAND LOCATED IN SECTION 36, TOWNSHIP 18 NORTH, RANGE 15 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA; FROM CG (GENERAL COMMERCIAL) CLASSIFICATION TO IL (LIGHT INDUSTRIAL) CLASSIFICATION; REPEALING ALL ORDINANCES HERewith AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COWETA, OKLAHOMA, THAT, TO-WIT:

SECTION 1: THE FOLLOWING DESCRIBED PROPERTY IS HEREBY REZONED FROM CG: GENERAL COMMERCIAL CLASSIFICATION TO IL: LIGHT INDUSTRIAL, **TO WIT:**

TRACT 1: The East 240 feet of Lot 2, Block 2, CREEK HOLLOW, a subdivision of part of S1/2 of SW1/4 tract of Section 36, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, according to the recorded plat thereof.

SECTION 2: THAT ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith BE AND THE SAME ARE HEREBY EXPRESSLY REPEALED.

SECTION 3: THAT AN EMERGENCY EXISTS FOR THE PRESERVATION OF PUBLIC HEALTH, PEACE AND SAFETY AND BY REASON WHEREOF, THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.

PASSED AND APPROVED WITH THE EMERGENCY CLAUSE RULED ON SEPARATELY THIS 4th Day of November 2019.

EVETTE MORRIS, MAYOR

ATTEST:

JULIE CASTEEN, CITY CLERK

APPROVED AS TO FORM:

RONALD D. CATES, CITY ATTORNEY

**PLANNED UNIT DEVELOPMENT NO. PUD-R 17-02
SADDLE CREEK ESTATES AMENDMENT**

AG

321st East

Lot, 1
Block 4

RS-1

State Highway 51

16E17N17

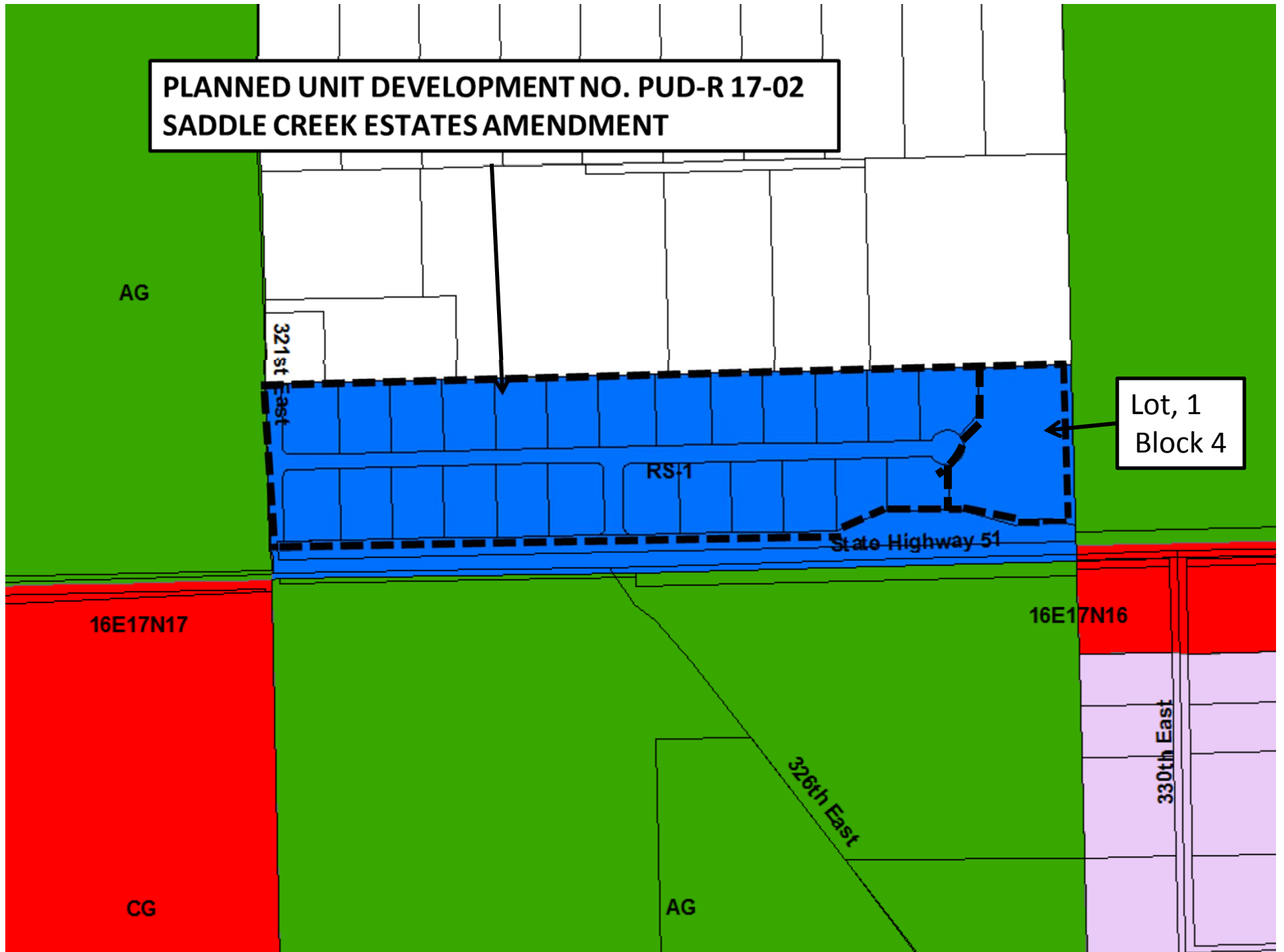
16E17N16

CG

AG

326th East

330th East



ORDINANCE 790 (AMENDED)

AN ORDINANCE AMENDING ORDINANCE NO. 377 AND CREATING A PLANNED UNIT DEVELOPMENT OVERLAY (PUD-R 17-02) FOR A TRACT OF LAND LOCATED IN THE CITY OF COWETA, WAGONER COUNTY, OKLAHOMA, AS MORE PARTICULARLY HEREINAFTER DESCRIBED, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COWETA, OKLAHOMA, THAT, TO-WIT:

SECTION 1: That Ordinance No. 377 be and the same is hereby amended, placing a Planned Unit Development designation over the current RS-1 Residential Single Family and CG Commercial General zoning designation for the following described property, to wit:

Legal Description Overall (PUD Development Area)

A tract of land situated in the South Half of the Northwest Quarter (S/2 NW/4) of Section 16, Township 17 North, Range 16 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, being more particularly described as follows, to-wit:

Commencing at the Southwest Corner of the NW/4 of Section 16, thence N01°22'25"W and along the west line of said Section 16, for 97.14 feet to the point of beginning; thence N88°54'54"E for 1858.27 feet; thence N68°27'39"E for 171.80 feet; thence N88°57'57"E for 241.20 feet; thence S73°48'45"E for 191.03; thence N72°31'51"E for 79.35 feet; thence N87°08'08"E for 39.23 feet; thence S75°07'34"E for 82.88 feet; thence N01°24'55"W for 525.64 feet; thence S88°54'54" for 2637.55 feet to a point on the west line of said Section 16; thence S01°22'40"E for 529.56 feet to the point of beginning. Said tract of land containing 31.42 acres, more or less.

Legal Description RS-1 Residential Single Family Zoning District (PUD Development Area)

Lots 1 thru Lot 13, Block 1, and Lots 1 thru Lots 6, Block 2 and Lots 1 thru Lot 6, Block 3, Saddle Creek Estates, an addition lying in the S/2 of the NW/4 of Section 16, Township 17 North, Range 16 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma.

Legal Description CG Commercial General Zoning District (PUD Development Area)

Lot 1, Block 4, Saddle Creek Estates, an addition lying in the S/2 of the NW/4 of Section 16, Township 17 North, Range 16 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma.

SECTION 2: THAT ALL ORDINANCES OR PARTS OF ORDINANCES IN

CONFLICT HERewith BE AND THE SAME ARE HEREBY EXPRESSLY REPEALED.

SECTION 3: THAT BECAUSE THE REZONING HEREBY ENACTED IS ESSENTIAL TO THE PROPER AND ORDERLY GROWTH OF THE CITY OF COWETA AN EMERGENCY EXISTS FOR THE PRESERVATION OF PUBLIC HEALTH, PEACE AND SAFETY AND BY REASON WHEREOF, THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.

PASSED AND APPROVED WITH THE EMERGENCY CLAUSE RULED ON SEPARATELY THIS 4th Day of November, 2019.

EVETTE MORRIS, MAYOR

ATTEST:

JULIE CASTEEN, CITY CLERK

APPROVED AS TO FORM:

RONALD D. CATES, CITY ATTORNEY



POST OFFICE BOX 850 • COWETA, OKLAHOMA 74429 • PH. (918) 486-2189 • FAX (918) 486-5366 • www.cityofcoweta-ok.gov

Memorandum

To: Planning Commission
From: Tom E Young Jr, City Planner
Re: PUD-R 17-02 Amendment
Date: 10-28-2019

BACKGROUND

Coweta Land Company, LLC. Saddle Creek Estates, is seeking an Amendment to Planned Unit Development ("PUD"), PUD-R 17-02. The property is 31.42 acres in Coweta, Oklahoma located at the Northeast Corner of East Highway 51 and South 321st East Avenue. It is situated in the Northwest Quarter (NW/4) of Section 16, Township 17 North, Range 16 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma. The project was developed with RS-1 development guidelines in Coweta. For RS-1 Residential Single Family detached dwellings. The current zoning for the property is RS-1 Residential Single Family District. An application has been submitted for an Amendment to the current Planned Unit Development to request rezoning Lot 1, Block 4, Saddle Creek Estates to the CG General Commercial Zoning District. The other lots will remain in the RS-1 Residential Single Family zoning.

Legal Description RS-1 Residential Single Family Zoning District (PUD Development Area)

Lots 1 thru Lot 13, Block 1, and Lots 1 thru Lots 6, Block 2 and Lots 1 thru Lot 6, Block 3, Saddle Creek Estates, an addition lying in the S/2 of the NW/4 of Section 16, Township 17 North, Range 16 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma.

Legal Description CG Commercial General Zoning District (PUD Development Area)

Lot 1, Block 4, Saddle Creek Estates, an addition lying in the S/2 of the NW/4 of Section 16, Township 17 North, Range 16 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma.

Staff finds that this request is in compliance with the Coweta Comprehensive Plan. If implemented, would be compatible with the surrounding area in the manner contemplated by the Comprehensive Plan.

STAFF RECOMMENDATION

The Planning Commission can recommend approval or recommend disapproval of the Amendment to Planned Unit Development ("PUD"), PUD-R 17-02 Amendment rezone request to the City Council.

ATTACHMENTS

(1) Aerial View Map (2) Zoning Map (3) Public Hearing Notice
(4) Ordinance No. 790 (Amended), (PUD) PUD-R 17-02 Saddle Creek Estates

Ordinance Number XXX

AN ORDINANCE AMENDING CHAPTER 11 SECTION 1140 (X) AND CHAPTER 13 SECTION 1340 (A) OF THE ZONING CODE OF THE CITY OF COWETA, OKLAHOMA PERTAINING TO USES PERMITTED BY SPECIFIC USE PERMIT; REPEALING ALL ORDINANCES TO THE CONTRARY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COWETA, OKLAHOMA, THAT:

SECTION I. Chapter 11 Section 1140 (x) Marijuana Retail Establishments of the Zoning Code of the City of Coweta, Oklahoma is hereby amended to read as follows:

Section 1140 (x) Medical Marijuana Dispensary

Use Conditions

1. The uses included, when located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.
2. All parking areas and drives shall be paved with an All Weather Surface as otherwise required by this Code.
3. Medical Marijuana Dispensary shall be conducted within enclosed buildings; buildings must be equipped with security system; buildings where marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no noxious odors are detectable off premises.
4. Medical Marijuana Dispensary shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if dispensing medical marijuana produces light, glare, heat, noise, noxious odor, or vibration that is detrimental to public health, safety or welfare or interferes with reasonable enjoyment of life and property.
5. Medical Marijuana Dispensaries are specifically prohibited within one thousand (1,000) feet of any public or private school or within one thousand (1,000) feet of another medical marijuana dispensary.
6. The distance indicated shall be measured in accordance with rules promulgated by the Oklahoma Medical Marijuana Authority and the Oklahoma Department of Health.

SECTION II. Chapter 13 Section 1340 (a) Marijuana Processing Facility and Growing Facility – Commercial, (SUP) of the Zoning Code of the City of Coweta, Oklahoma is hereby amended to read as follows:

Section 1340 (a) Medical Marijuana Business

Use Conditions

1. The uses included, when located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.
2. All parking areas and drives shall be paved with an All Weather Surface as otherwise required by this Code.
3. Medical Marijuana Business shall be conducted within enclosed buildings; buildings must be equipped with security system; buildings where marijuana grown, stored, or processed must be equipped with ventilation/air filtration systems so that no noxious odors are detectable off premises.
4. Medical Marijuana Business shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if dispensing medical marijuana produces light, glare, heat, noise, noxious odor, or vibration that is detrimental to public health, safety or welfare or interferes with reasonable enjoyment of life and property.
5. Medical Marijuana Businesses are specifically prohibited within one thousand (1,000) feet of any public or private school.
6. The distance indicated shall be measured in accordance with rules promulgated by the Oklahoma Medical Marijuana Authority and the Oklahoma Department of Health.

SECTION III. Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION IV. An emergency exists for the preservation of the public, peace, and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.

PASSED AND APPROVED and the emergency clause ruled upon separately this th day of, 2019.

Evette Morris, Mayor

ATTEST:

Julie Casteen, City Clerk

APPROVED:

Ronald D. Cates, City Attorney



POST OFFICE BOX 850 • COWETA, OKLAHOMA 74429 • PH. (918) 486-2189 • FAX (918) 486-5366 • www.cityofcoweta-ok.gov

Memorandum

To: Planning Commission
From: Tom E Young Jr, City Planner
Re: Chapter 11, Section 1140 and Chapter 13 Section 1340 Uses Permitted by Specific Use Permit;
Date: 10-28-2019

BACKGROUND

This public hearing before the Planning Commission has been initiated by staff to amend language of the Coweta City Zoning Code with regard to amending: with regard to Uses Permitted by Specific Use Permit, specifically Chapter 11 Section 1140 (x) Medical Marijuana Dispensary and Chapter 13 Section 1340 (a) Marijuana Processing Facility and Marijuana Growing Facility - Commercial. By Specific Use permit as granted by the City Council.

This amendment, will amend language to Chapter 11 Section 1140 (x) Marijuana Retail Establishments of the Zoning Code of the City of Coweta, Oklahoma is hereby amended to read as follows: Chapter 11 Section 1140 (x) Medical Marijuana Dispensary and Chapter 13 Section 1340 (a) Marijuana Processing Facility and Growing Facility – Commercial, (SUP) of the Zoning Code of the City of Coweta, Oklahoma is hereby amended to read as follows: Section 1340 (a) Medical Marijuana Business.

Attached is the new ordinance being proposed by staff.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of this proposed ordinance to the City Council.

ATTACHMENTS

1. Proposed ordinance amending Chapter 11 Section 1140 (x) Medical Marijuana Dispensary and Chapter 13 Section 1340 (a) Medical Marijuana Business of the Coweta Zoning Code.