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Memorandum

To: Board of Adjustment
From: Tom E Young Jr, City Planner
Re: CBOA 21-02
Date: 06-21-2021

BACKGROUND

The applicant, Purple Moon Enterprises Inc., is seeking a special exception to the zoning code in accordance with Section 250.3, Modification of the Screening Wall or Fence Requirements. The requirements for screening walls or fences are found in Section 250, Screening Wall or Fence of the Coweta Zoning Code. The Board of Adjustment, as a Special Exception, may: (a) Modify or remove the screening requirement where existing physical features provide visual separation of uses (b) Modify the screening requirement where an alternative screening will provide visual separation of uses.

The applicant's property is zoned General Commercial (CG) and is located at 13872 South State Highway 51, Coweta, OK, in Section 7, Township 17 North, Range 16 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma. The property abuts a Residential Single-Family RS-3 zoning district to the west.

At the Monday April 19, 2021 Planning Commission meeting there was no one in opposition to the request regarding the proposed Specific Use Permit for CZ 21-03 SUP for a Medical Marijuana Business/Dispensary. The Planning Commission recommended approval of the request for a Specific Use Permit for a Medical Marijuana Business/Dispensary by a vote of 5-0.

At the Monday May 3, 2021 City Council meeting regarding the proposed Specific Use Permit for CZ 21-03 SUP for a Medical Marijuana Business/Dispensary. The City Council recommended approval of the request for a Specific Use Permit for a Medical Marijuana Business/Dispensary with the conditions the applicant receives approval for a special exception to the zoning code in accordance with Section 250.3 Modification of the Screening Wall or Fence Requirements, from the Board of Adjustment.

The Purple Moon Enterprises, Inc Medical Marijuana Dispensary building is located within Union Pacific Railroad's (UPRR) right-of-way. The property adjacent to the railroad's right-of-way to the west is zoned RS-3, with the railroad's tracks and approximately 90 feet of heavily wooded area between the back of the building and the nearest residential property. The building has no exterior windows or doors facing toward the adjacent RS-3 property. The distance between the back of the building and the nearest residential property, the lack of exterior doors or windows facing the adjacent property, and the existence of the heavily wooded area will provide alternative screening and visual separation from the General Commercial (CG) zoning, to meet the intent of the screening requirements for the abutting RS-3 Residential Single Family Zoning District.

SECTION 250 SCREENING WALL OR FENCE

250.1 Specifications

For the purpose of maintaining a compatible relationship between certain land uses, a screening requirement is hereby established for the initiation and continuance of particular uses in such instances as may be hereinafter designated.

When the provisions of this Code require the construction of a screening wall or fence as a condition for the initiation and subsequent continuance of a use, the screening wall or fence:

- (a) Shall be constructed with customarily used fencing materials which are compatible with the surrounding area, and shall be designed and arranged to provide visual separation of uses irrespective of vegetation;
- (b) Shall not be less than six (6) feet in height;
- (c) Shall be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance;
- (d) Shall be erected prior to the occupancy of the building or initiation of the use required to be screened

250.2 Maintenance

The screening wall or fence shall be maintained by the owner of the lot containing the use required to construct the screening. Failure to maintain after notice by the Building Inspector shall constitute an offense hereunder.

250.3 Modification of the Screening Wall or Fence Requirements

The Board of Adjustment, as a Special Exception, may:

- (a) Modify or remove the screening requirement where existing physical features provide visual separation of uses,
- (b) Modify the screening requirement where an alternative screening will provide visual separation of uses,
- (c) Grant an extension of time to erect a screen where properties which are to be benefited by the screen are undeveloped, and
- (d) Remove the screening requirement where the purposes of the screening requirement cannot be achieved, or is prohibited by other ordinances and/or regulations.

250.4 Location Where Screening Walls or Fences are Required

Any use in a zoning district in column A is required to erect and maintain a screening wall or fence along the lot line or lines abutting any district in column B if the use is not allowed as a Permitted Principal Use in the districts in column B.

Column A

Column B

Any use in RM-1, RMHS, RMHP, 0,
CN, CG, CH, IL, IH and PUD

RS-1, RS-2, RS-3 and RD

Any use in 0, CN, CG, CH, IL,
IH and PUD

RM-1, RMHS and RMHP

STAFF RECOMMENDATION

Staff recommends approval of CBOA 21-02 for the special exception to the zoning code in accordance with Section 250.3, Modification of the Screening Wall or Fence Requirements.

ATTACHMENTS

1. Aerial View Map.
2. Location Map.
3. Zoning Map.
4. Public Hearing Notice.