



City of Broken Arrow

Request for Action

File #: 19-1528, Version: 1

**Broken Arrow City Council
Meeting of: 01-07-2020**

Title:

Consideration, discussion and possible approval of BACP 166, 811 W. New Orleans, 2.21 acres, Level 4 to Level 6, west of the southwest corner of New Orleans Street (101st Street) and Elm Place (161st E. Avenue)

Background:

BACP 166 is a request to change the Comprehensive Plan designation on a 2.21 - acre tract of land from Level 4 to Level 6. The property, which is located west of the southwest corner of New Orleans Street (101st Street) and Elm Place (161st E. Avenue), is presently zoned CG (Commercial General). The property has been platted as Lot 1, Block 1, Luby's.

Applicant is seeking the change in the Comprehensive Plan in an effort to modify the zoning on the property. The owner of the property wants to lease space to a tenant who desires to use a portion of the existing building for the processing of medical marijuana, as well as for commercial growing/cultivation of medical marijuana. The processing and growing of medical marijuana is only allowed in the IL (Industrial Light) and IH (Industrial Heavy) zoning districts. IL zoning is in conformance with the Comprehensive Plan in Level 6 when done as part of a PUD (Planned Unit Development). As part of their request for a change in the Comprehensive Plan, a draft PUD has been submitted for informational purposes only. If BACP 166 is approved, applicant will be submitting a request to change the zoning on part of the property from CG to IL along with a formal PUD submittal.

The property was initially developed as a Luby's cafeteria restaurant. The restaurant closed approximately 20 years ago and remained vacant for several years thereafter. In approximately 2012, Freedom Pharmaceuticals, Inc. moved into the building. In 2015, the building was expanded with a two story addition onto the north side of the building. It is in the new building addition that a prospective tenant wants to lease space for the processing of medical marijuana, as well as for commercial growing/cultivation of medical marijuana.

The draft PUD acknowledges that the growing and processing of medical marijuana will occur completely inside the existing building and is limited to 12,000 square feet. No medical marijuana dispensary will be allowed. Also, no signage for the medical marijuana processing or growing facility will be allowed.

BACP-166 was reviewed by the Planning Commission on December 19, 2019. No one spoke during the Public Hearing portion of the change in Comprehensive Plan request. Staff had recommended to the Planning Commission that BACP-166 be approved, subject to a PUD being submitted that was similar in context to the draft PUD submitted with BACP-166. Since the property had already been platted, Staff recommended that platting be waived. After reviewing the information presented, the Planning Commission recommended approval (4-1) of BACP-166 as per Staff recommendation.

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Cost: \$0

Funding Source: None

Requested By: Larry R. Curtis, Director of Community Development

Approved By: City Manager's Office

Attachments: Published Planning Commission Staff Report
Case map
Aerial photo
Comp Plan
Draft PUD
Luby's recorded plat

Recommendation:
Approve BACP-166 .