



City of Broken Arrow

Request for Action

File #: 20-88, Version: 1

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

To: Chairman and Commission Members
From: Development Services Department
Title: Public hearing, consideration, and possible action regarding PUD-297 (Planned Unit Development) and BAZ-2044 (Rezoning), 811 W. New Orleans Street, 2.21 acres, CG to PUD-297/CG/IL, located west of the southwest corner of New Orleans Street (101st Street) and Elm Place (161st E. Avenue)

Background:

Applicant: Mark B. Capron, Wallace Engineering
Owner: IPA Dome LLC
Developer: IPA Dome LLC
Engineer: Wallace Engineering
Location: West of the southwest corner of New Orleans Street (101st Street) and Elm Place (161st E. Avenue)
Size of Tract 2.21 acres
Present Zoning: CG
Proposed Zoning: PUD-297/CG/IL
Comp Plan: Level 6 (BACP-166)

Planned Unit Development (PUD)-297 involves a 2.21 acre parcel located west of the southwest corner of New Orleans Street (101st Street) and Elm Place (161st E. Avenue). In conjunction with PUD-297, applicant has submitted BAZ-2044, a request to change the underlying zoning from CG (Commercial General) to CG (Commercial General) and IL (Industrial Light). The property has been platted as Lot 1, Block 1, Luby's.

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).

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.

With PUD-297, the property is divided into two areas, Development Area A (north half of the property) and Development Area B (south half of the property). The design statement acknowledges that the property will be developed in accordance with the Broken Arrow Zoning Ordinance except as summarized below.

Item	Broken Arrow Zoning Ordinance	Draft PUD Request
Permitted Uses	As allowed in the Zoning Ordinance for the CG and IL districts.	In Development Area A, as allowed in the CG and IL districts, however, the IL uses are limited to Manufacturing Light including Medical Marijuana Commercial Processing and Commercial Growing /Cultivation. Medical marijuana dispensaries are not allowed. All manufacturing shall occur inside the building, no outdoor storage is permitted, and no signage for medical marijuana commercial processing is permitted. Manufacturing Light including Medical Marijuana Commercial Processing and Commercial Growing/Cultivation is limited to 12,000 square feet of the building. In Development Area B, CG uses except Medical Marijuana, Retail Sale (Dispensary) is not allowed. In addition, industrial light uses are allowed, but limited to assembly, light and warehouse.
Rear yard building setback	50 feet from south boundary	46 feet from the south boundary to accommodate the existing building.
Landscaping	As required in the Zoning Ordinance.	Landscaping will be maintained as per previously approved landscape plans.

Parking	Office requires one parking space per 300 square feet, warehouse over 10,000 square feet requires one parking space per 1,250 square feet, and manufacturing light requires 1 parking space per 1,500 square feet. According to the previously approved site plan for the building addition, 77 parking spaces were required, and 104 spaces were provided.	There are 90 existing parking spaces. No new parking spaces will be installed or required. In addition, none of the existing parking spaces will be removed without the approval of the Planning Commission.
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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
North	Level 4	PUD-17/CG	Shopping Center
East	Level 4	CG	Shopping Center
South	Level 4	CG/SP-182	Water tower
West	Level 6	PUD 131B/CH	Mini-storage, truck rental, and undeveloped

As this Staff report is being prepared, the property associated with PUD-297 and BAZ-2044 is designated as Level 4 in the Comprehensive Plan. On December 19, 2019, the Planning Commission reviewed BACP-166, a request to change the Comprehensive Plan designation on the property from Level 4 to 6, subject to a PUD being submitted that was similar in context to the draft PUD submitted with BACP-166. The design statement submitted with PUD-297 is similar to the draft PUD submitted with BACP-166. BACP-166 will be heard by the City Council on January 7, 2020.

If the City Council approves BACP-166, BAZ-2044 and PUD-297 will be in conformance with the Comprehensive Plan.

According to Section 6.4 of the Zoning Ordinance, the PUD provisions are established for one (1) or more of the following purposes:

1. To permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties.
2. To permit greater flexibility within the development to best utilize the physical features of the particular site in exchange for greater public benefits than would otherwise be achieved through

development under this Ordinance.

3. To encourage the provision and preservation of meaningful open space.
4. To encourage integrated and unified design and function of the various uses comprising the planned unit development.
5. To encourage a more productive use of land consistent with the public objectives and standards of accessibility, safety, infra structure and land use compatibility.

In Staff's opinion, PUD-297 satisfies item 1 of Section 6.4.A of the Zoning Ordinance. (1) With PUD-297, all manufacturing shall occur inside the building, no outdoor storage is permitted, and no signage for medical marijuana commercial processing is permitted. With these restrictions, the processing and growing of medical marijuana will not be visually apparent.

According to FEMA maps, none of the property is located in a 100-year floodplain area.

Attachments: Case map
Aerial photo
Comp Plan
Design Statement for PUD-297
Luby's recorded plat

Recommendation:

Based upon the Comprehensive Plan, the PUD submitted with BAZ-2044, the location of the property, and the surrounding land uses, Staff recommends that PUD-297 and BAZ-2044 be approved, subject to the City Council approving BACP-166. Since the property has already been platted, Staff recommends that platting be waived.

Reviewed by: Jill Ferenc

Approved by: Larry R. Curtis

BDM