



City of Broken Arrow

Request for Action

File #: 20-124, Version: 1

**Broken Arrow City Council
Meeting of: 01-21-2020**

Title:

Consideration, discussion, and possible approval of 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:

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 into edible food products. The processing 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).

On January 7, 2020, the City Council reviewed and approved BACP-166, a request to change the Comprehensive Plan designation on the property from Level 4 to Level 6. A draft PUD was submitted with BACP-166 that also requested the growing of medical marijuana be allowed as a permitted use in addition to the processing of medical marijuana. The City Council directed the applicant to have the growing of medical marijuana deleted as permitted use. A revised design statement submitted on January 9, 2020, for PUD-297 specifically states that the growing of medical marijuana, as well as a medical marijuana dispensary, are not permitted uses.

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. A summary of the differences between what is requested with PUD-297 and what is required by the Zoning Ordinance is included in the published Planning Commission Staff report. Please note, the Planning Commission Staff report was published prior the City Council meeting on January 7, 2020. The growing of medical marijuana has been deleted as a permitted use with PUD-297.

PUD-297 and BAZ-2044 were reviewed by the Planning Commission on January 9, 2020. A copy of the revised PUD document was presented to the Planning Commission at the meeting. One person (representing the property owner to the east) spoke during the Public Hearing portion of the change in zoning request. He expressed concerns about odors and impact on adjacent properties. The applicant responded and stated that

there would not be any odors associated with their operation. Their processing consists of adding medical marijuana oils to edible food products. He noted there is a compounding pharmacy in the same building, and they would not have any impact on this existing business.

Staff had recommended to the Planning Commission that PUD-297 and BAZ-2044 be approved as per the revised document that was received on January 9, 2020, and the requirement to replat the property be waived. The Planning Commission recommended approval (3-1) of PUD-297 and BAZ-2044 as per Staff recommendation.

Cost: \$0

Funding Source: None

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

Approved By: City Manager's Office

Attachments: Published Staff report presented to the Planning Commission on January 9, 2020
Case map
Aerial photo
Comp Plan
Design Statement for PUD-297 submitted on January 9, 2020
Luby's recorded plat

Recommendation:

Approve PUD-297 and BAZ-2044.