



April 9, 2014

Barbara Gardner-Anderson  
Oak Pond LLC  
500 E. Washington  
Broken Arrow, OK 74012

Subject: BACP 131, BAZ 1900 and SP 273, Oak Pond LLC Branch Creek  
Dear Barbara:

The Broken Arrow City Council, in their meeting of January 21, 2014, conditionally approved BACP 131, your request to change the designation on this 6.46 acre site from Level 3 to Level 1 of the Comprehensive Plan (Land Use Intensity System), rezoning request BAZ 1900, your request to change the zoning on this property from RM (Residential Multi-family) to A-1 (Agriculture) and SP 273, your request for a Specific Use Permit for horticulture nursery sales.

All of the above cases were approved with several conditions, which are listed within the attached letter of January 24, 2014.

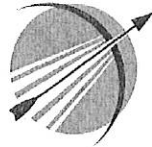
Please note that, as of today, none of the requirements have been implemented, while the property is being used as a retail nursery. With this letter you are hereby advised to comply with all requirements established by the Broken Arrow City Council by April 25, 2014. The current use of this property is not in compliance with the City's Zoning and Development Regulations and will have to cease, if no attempt is made to bring this land use into compliance.

If you have any questions regarding this matter, please contact me.

Sincerely,

Farhad K. Daroga  
City Planner

Enclosure: City Council approval letter dated January 24, 2014  
Cc: Code Enforcement  
FKD/kf



January 24, 2014

Barbara Gardner-Anderson  
Oak Pond LLC  
500 E. Washington  
Broken Arrow, OK 74012

Subject: BACP 131, BAZ 1900 and SP 273, Oak Pond LLC Branch Creek

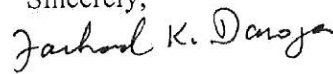
Dear Barbara:

The Broken Arrow City Council, in their meeting of January 21, 2014, conditionally approved BACP 131, your request to change the designation on this 6.46 acre site from Level 3 to Level 1 of the Comprehensive Plan (Land Use Intensity System), rezoning request BAZ 1900, your request to change the zoning on this property from RM (Residential Multi-family) to A-1 (Agriculture) and SP 273, your request for a specific use permit for horticulture nursery sales. This unplatted, undeveloped property is located one-eighth mile west of 9<sup>th</sup> Street, north of Washington Street.

BACP 131, BAZ 1900 and SP 273 were conditionally approved, as recommended by the Planning Commission and staff, subject to the following five conditions:

- Property being platted; however platting can be waived provided Washington Street right-of-way (60 feet from the section line) and utility easements (17.5 feet from the right-of-way line) are dedicated in accordance with the Subdivision Regulations.
- A paved surface parking lot and associated drive must be installed that is paved with either asphalt or concrete in such a manner that it will support emergency vehicles
- A site plan shall be submitted in accordance with the Zoning Ordinance that shows the location of the parking lot, associated drives, and fire lane, along with any new buildings.
- Fire hydrants shall be installed by the property owner in accordance with City of Broken Arrow requirements.
- A sidewalk, five feet in width, shall be constructed by the property owner along Washington Street in accordance with the Subdivision Regulations.

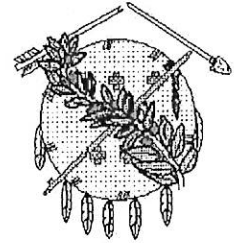
The action taken by the City Council will be recorded in the minutes of their meeting held January 21, 2014. If you have any questions, please contact me.

Sincerely,  
  
Farhad K. Daroga  
City Planner

Enclosure: City Council staff report for BACP 131, BAZ 1900 and SP 273  
FKD/kf

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**Broken Arrow City Council  
Meeting of: 01-21-14**



**To:** Mayor and City Council Members  
**From:** Development Services Department  
**Subject:** Consideration and possible action regarding BACP 131, BAZ 1900, and SP 273, Oak Pond, 6.46 acres, Level 3 to Level 1, RM to A-1, one-eighth mile west of 9<sup>th</sup> Street, north of Washington Street

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**Background:**

BACP 131 is a request to change the designation on 6.46 acres of the Comprehensive Plan (Land Use Intensity System) from Level 3 to Level 1. In addition, applicant has submitted BAZ 1900, a request to change the zoning on the property from RM (Residential Multifamily) to A-1 (Agriculture). SP 273, a request for a Specific Use Permit for horticulture nursery sales, has also been submitted. The property, which is undeveloped and unplatted, is located one-eighth mile west of 9<sup>th</sup> Street, (Lynn Lane), north of Washington Street. According to the survey drawing submitted, only statutory right-of-way of 24.75 feet exists along Washington Street. In addition, the survey drawing shows only gravel paving has occurred on the property.

The zoning on the property was changed from R-1 and A-1 to R-5C (multifamily) on June 21, 1982, with BAZ 850. The R-5C designation later became RM when the Zoning Ordinance was updated in 2008. With the multifamily zoning, the property was designated as Level 3 in the Comprehensive Plan.

Applicant began attempting to acquire this property in March 2013. They were under the impression that the property was already zoned A-1. They have a nursery business, which is allowed in the A-1 district with a Specific Use Permit. On August 22, 2013, they contacted the City of Broken Arrow to verify the zoning on the property. It was at this time, they discovered that the property was zoned RM instead of A-1 and was designated as Level 3 in the Comprehensive Plan. They attempted to submit an application to modify the Comprehensive Plan for the September 26, 2013, Planning Commission meeting, but were unable to obtain the signature of the (previous) property owner. They have since bought the property and have submitted applications to change the Comprehensive Plan and zoning designation along with a request for a Specific Use Permit for horticulture nursery sales.

In 1982, when the property was rezoned, it included the property to the east for a total of 11.69 acres. Later, a little over five acres was split from the parcel and a single family residence was constructed on the property to the east, thereby leaving 6.46 acres. In addition to the configuration of the parcel, the property has a major drainage swale that passes through the center of the property which reduces the amount of property that can be developed. The property is no longer suited for multifamily development.

The property has 260 feet of frontage on Washington Street. The A-1 district requires 330 feet of frontage. On November 12, 2013, the Board of Adjustment conditionally approved BOA 706, a request for a variance to reduce the minimum lot frontage to 260 feet. BOA 706 was approved subject to the City Council approving a rezoning request to change the zoning on the property from RM to A-1.

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Planning Commission, in their meeting of December 19, 2013, unanimously (5-0 vote) recommended approval of BACP 131, BAZ 1900, and SP 273. There was one person who spoke regarding traffic congestion on Washington Street.

**Cost:** None

**Prepared By:** Farhad K. Daroga, City Planner

**Reviewed By:** Development Services Department  
Legal Department

**Approved By:** Thomas M. Moton, Jr. City Manager

**Attachments:** Case Map  
Aerial Photo  
Comprehensive Plan  
Property survey

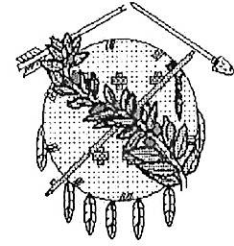
**Recommendation:** Approve BACP 131, BAZ 1900 and SP 273 subject to the recommendation of the Planning Commission and Staff.

FKD/kf

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**Broken Arrow Planning Commission**  
**Meeting of: 12-19-13**



**To:** Chairman and Commission Members  
**From:** Development Services Department  
**Subject:** Public hearing, consideration, and possible action regarding BACP 131, BAZ 1900, and SP 273, Oak Pond, 6.46 acres, Level 3 to Level 1, RM to A-1, one-eighth mile west of 9<sup>th</sup> Street (Lynn Lane/177<sup>th</sup> E. Avenue), north of Washington Street (91<sup>st</sup> Street)

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**Background:**      **Applicant:** Barbara Gardner-Anderson  
                          **Owner:** Oak Pond LLC  
                          **Developer:** Oak Pond LLC  
                          **Engineer:** NA  
                          **Location:** One-eighth mile west of 9<sup>th</sup> Street (Lynn Lane/177<sup>th</sup> E. Avenue), north of Washington Street (91<sup>st</sup> Street)  
**Size of Tract:** 6.46 acres  
**Number of Lots:** 1 Lot  
**Present Zoning:** RM  
**Comp Plan:** Level 3 (Transition)

BACP 131 is a request to change the designation on 6.46 acres of the Comprehensive Plan (Land Use Intensity System) from Level 3 to Level 1. In addition, applicant has submitted BAZ 1900, a request to change the zoning on the property from RM (Residential Multifamily) to A-1 (Agriculture). SP 273, a request for a specific use permit for horticulture nursery sales, has also been submitted. The property, which is undeveloped and unplatted, is located one-eighth mile west of 9<sup>th</sup> Street, north of Washington Street. According to the survey drawing submitted, only statutory right-of-way of 24.75 feet exists along Washington Street. In addition, the survey drawing shows only gravel paving has occurred on the property.

The zoning on the property was changed from R-1 and A-1 to R-5C (multifamily) on June 21, 1982, with BAZ 850. The R-5C designation later became RM when the Zoning Ordinance was updated in 2008. With the multifamily zoning, the property was designated as Level 3 in the Comprehensive Plan.

Applicant began attempting to acquire this property in March 2013. They were under the impression that the property was already zoned A-1. They have a nursery business, which is allowed in the A-1 district with a Specific Use Permit. On August 22, 2013, they contacted the City of Broken Arrow to verify the zoning on the property. It was at this time, they discovered that the property was zoned RM instead of A-1 and was designated as Level 3 in the Comprehensive Plan. They attempted to submit an application to modify the Comprehensive Plan for the September 26, 2013, Planning Commission meeting, but were unable to obtain the signature of the (previous) property owner. They have since bought the property and have submitted applications to change the Comprehensive Plan and zoning designation along with a request for a Specific Use Permit for horticulture

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nursery sales.

In 1982 when the property was rezoned, it included the property to the east for a total of 11.69 acres. Later, a little over five acres was split from the parcel and a single family residence was constructed on the property to the east, thereby leaving 6.46 acres. In addition to the configuration of the parcel, the property has a major drainage swale that passes through the center of the property which reduces the amount of property that can be developed. The property is no longer suited for multifamily development.

The property has 260 feet of frontage on Washington Street. The A-1 district requires 330 feet of frontage. On November 12, 2013, the Board of Adjustment conditionally approved BOA 706, a request for a variance to reduce the minimum lot frontage to 260 feet. BOA 706 was approved subject to the City Council approving a rezoning request to change the zoning on the property from RM to A-1.

The surrounding properties contain the following uses, along with the following development guide and zoning designations:

Location	Development Guide	Zoning	Land Use
North	Level 2	R-3 and A-1	Oak Crest 5 <sup>th</sup> addition and one large single-family lot
East	Level 3	A-1 and RM	One large single-family lot and undeveloped
South	Level 3 and Greenway/ Floodplain	A-1, FD, and RS-3	Branch Creek addition and 100-year floodplain
West	Level 3	A-1	Large lot single-family residential

**Attachments:**

Case Map  
Aerial Photo  
Comprehensive Plan  
Property survey

**Recommendation:**

Applicant purchased the property with the intent of having a horticulture/plant nursery sales on the property. Nurseries are allowed in the A-1 district with a specific use permit and by right in the CG (Commercial General) and CH (Commercial Heavy) districts. Since the adjacent property on the northwest corner of 9<sup>th</sup> Street and Washington Street is undeveloped and is designated as Level 3 in the Comprehensive Plan, changing the Comprehensive Plan to Level 4 and pursuing commercial zoning on this property would not be in conformance with the policies of the Comprehensive Plan. Therefore, the preferable option is to change the Comprehensive Plan to Level 1 and pursue A-1 zoning.

Based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that BACP 131, a request to change the

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Comprehensive Plan designation on these 6.46 acres from Level 3 to Level 1, be

approved, subject to the property being platted. Similarly, Staff recommends that BAZ 1900 be approved subject to the property being platted. Although required by the Zoning Ordinance, Staff can recommend that platting be waived for both BACP 131 and BAZ 1900, provided Washington Street right-of-way (60 feet from the section line) and utility easements (17.5 feet from the right-of-way line) are dedicated in accordance with the Subdivision Regulations.

Since nursery products will be sold to the general public, Staff recommends that SP 273 be approved subject to a paved surface parking lot and associated drive being installed that is paved with either asphalt or concrete in such a manner that it will support emergency vehicles. A site plan shall be submitted in accordance with the Zoning Ordinance that shows the location of the parking lot, associated drives, and fire lane, along with any new buildings. In addition, fire hydrants shall be installed by the property owner in accordance with City of Broken Arrow requirements. A sidewalk, five feet in width, shall be constructed by the property owner along Washington Street in accordance with the Subdivision Regulations. Staff has informed the applicant of all these requirements during the predevelopment meeting that occurred prior to the applicant purchasing this property.

**Reviewed & Revised by: Farhad K. Daroga**

**Approved by: Michael W. Skates**

FKD: BDM

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