

Muhich Tract

Planned Unit Development No. 259

RECEIVED
March 13, 2017
BROKEN ARROW
PLAN DEVELOPMENT



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3/9/2017

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I. DEVELOPMENT CONCEPT

The Muhich Tract PUD site comprises ±71.9424 acres located approximately mid-mile between South 209th East Avenue and South 225th East Avenue, on the south side of East Kenosha Street with approximately 576 LF of frontage on East Kenosha Street. On September 5, 2006 the Broken Arrow City Council approved BAZ-1727 to change the zoning of the north 32.09 acres from A-1 to C-5 (now CH). In 2006, the City Council also approved Comprehensive Plan Amendment BACP-66 for the northern 30 acres of the site from Level 3 to Level 6. Both were approved subject to platting. The northwest 4.25 acres have been platted as "Broken Arrow-WF Addition" and is currently home to Tractor Supply Co. The remainder of the re-zoned property has not been platted.

The balance of the project area with a Land Use Intensity Classification of Level 3 was approved by the Broken Arrow City Council on February 7, 2017 for a Comprehensive Plan Amendment to Level 6 (BACP 159). Concurrently with the PUD application, a re-zoning application for the portion of the site zoned Agriculture (A-1) is being submitted to re-zone this area of the project to Light Industrial (IL).

The central portion of the project site is the former location of the City of Broken Arrow Landfill, as well as strip coal mining operations in the 1920s, 1930s and later in the 1960s. Environmental impacts to the site and adjacent properties, as a result of the former strip mining operations, include elevated metals concentrations in on and off-site soils. After mining operations were terminated, the property was utilized as a landfill by the City of Broken Arrow and other users. The landfill was first permitted as a hazardous waste disposal site in February 1973. By June 1973 the landfill permit was converted to a sanitary landfill solid waste disposal site. The landfill closed September 15, 1976. The landfilled areas are generally capped with four to five feet of clay and silty loam with grass and gravel. The waste material is generally five to six feet in thickness and ranges to 11.5 feet in the northwest area of the landfill. As shown in *Exhibit 'A' - Conceptual Site Plan*, the former Landfill impacts three tracts - Tracts 'C', 'E' and 'F'. This area, as well as the entire site, is regulated by the Department of Environmental Quality (DEQ) and will require DEQ approval before any development is possible. Tract 'B' also has development sensitive issues and hence has been designated as Open Space. The DEQ Brownfield Program assisted the OWNER in reviewing the environmental concerns of the subject property. The overall property was broken into 4 tracts (Tract 1, 2A, 2, and 3 - See *Exhibit 'B' - Brownfield Program Tract Map*). Tracts 1 and 3 were issued a "Certificate of No Action Necessary" in 2014. These two tracts are located in the northerly third and southerly third of the subject property and are the primary areas of proposed development. The "Certificate of No Action Necessary" for Tracts 1 and 3 also stipulates in the Land Use Restrictions section that: 1). No use of groundwater and no drilling of wells and 2). No residential use of the property. The middle tract (Tract 2) was the subject of an Addendum prepared by Blackshare Environmental Solutions on June 15, 2016 declaring that Tract 2 would only be suitable for nonresidential uses based on an environmental review of the site. Tract 2A has been designated in the Blackshare report as having "areas of excessive radiation."



With the development issues associated with the project site and the fact that much of the site is not suitable for residential development, we are proposing Commercial and Light Industrial land uses for the Muhich Tract PUD. As shown in *Exhibit 'A' - Conceptual Site Plan*, Tract 'A' is the only Commercial tract proposed since it is the only developable tract with frontage along East Kenosha Street, while Tracts 'D', 'E' and 'G' are proposed for Light Industrial uses. Tracts 'C' and 'F' are shown as Light Industrial - Development Sensitive land uses, since these two tracts have the bulk of the old landfill located within their boundaries.



II. STATISTICAL SUMMARY -

TOTAL PROJECT AREA:	±71.9424 Acres (Gross/Net)
• Commercial	±3.14 Acres
• Light Industrial	±37.03 Acres
• Light Industrial - Development Sensitive	±22.39 Acres
• Open Space - Development Sensitive	±7.20 Acres (10.0%)
MINIMUM REQUIRED OPEN SPACE:	313,381 SF (10.0%)



III. DEVELOPMENT STANDARDS: Commercial (Tract 'A')

Tract 'A' shall be governed by the City of Broken Arrow Zoning Ordinance and the use and development regulations of the CH District, except as hereinafter modified:

Permitted uses: As permitted in the CH District, by right or specific use permit.

Minimum building setbacks:

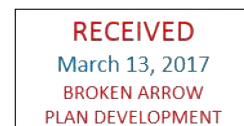
from East Kenosha Street	50 feet
from South 45 th Place	30 feet
from east boundary line	0 feet
from south boundary line	20 feet

Parking: As provided in accordance with "Section 5.4 - Off Street Parking and Loading" of the City of Broken Arrow Zoning Ordinance.

Sign Standard: As provided in accordance with "Section 5.7 - Signs" of the City of Broken Arrow Zoning Ordinance except no flashing, twinkling or animated signs shall be allowed. In addition, no portable signs or banners shall be placed on the lot. Freestanding signs may be permitted within a utility easement only if approval is granted by all utility companies. Freestanding signs shall be located a minimum of five feet from any sidewalk. All freestanding signs shall have a monument type base that covers support structures. The base of the sign shall be of the same material as the principal building on the lot.

Exterior Building Materials: The exterior vertical walls of all buildings abutting and adjacent to East Kenosha Street and 45th Place shall be constructed of masonry material.

Landscaping: Landscaping shall be provided in accordance with Section 5.2 of the City of Broken Arrow Zoning Ordinance along both Kenosha Street and 45th Place except that a landscape edge of 20 feet shall be provided along Kenosha Street and a landscape edge of 10 feet shall be provided along 45th Place.



**IV. DEVELOPMENT STANDARDS: Light Industrial - Development Sensitive
(Tracts 'C' and 'F')**

Tracts 'C' and 'F' are regulated by the Department of Environmental Quality (DEQ) and will require DEQ approval before any development is possible. Tracts 'C' and 'F' shall be governed by the City of Broken Arrow Zoning Ordinance and the use and development regulations of the IL District, except as hereinafter modified:

Permitted uses: Mini Storage, RV Storage, Storage Yard (lay down areas*), Office/Warehouse, Warehouse, Utility Facility (minor), General Industrial Service, Light Assembly or similar uses.

Minimum building setbacks:
from South 45th Place 30 feet
from north boundary line 0 feet
from south boundary line 0 feet
from abutting A-1 District 30 feet

Parking:
As provided in accordance with "Section 5.4 - Off Street Parking and Loading" of the City of Broken Arrow Zoning Ordinance.

Sign Standard:
As provided in accordance with "Section 5.7 - Signs" of the City of Broken Arrow Zoning Ordinance.

*Lay Down Area:
Lay down areas are to be arranged in a neat and orderly fashion.



V. DEVELOPMENT STANDARDS: Light Industrial (Tracts 'D', 'E' and 'G')

Tracts 'E' is regulated by the Department of Environmental Quality (DEQ) and will require DEQ approval before any development is possible. Tracts 'D', 'E' and 'G' shall be governed by the City of Broken Arrow Zoning Ordinance and the use and development regulations of the IL District, except as hereinafter modified:

Permitted uses: Mini Storage, RV Storage, Storage Yard (lay down areas), Office/Warehouse, Warehouse, Utility Facility (minor), General Industrial Service, Light Assembly or similar uses.

Minimum building setbacks:
from South 45th Place 30 feet
Side Yard Abutting Same District 0 feet
Side Yard Abutting Non-Residential District 30 feet
Side/Rear Yard abutting Residential or A-1 District 50 feet
Rear yard 30 feet

Parking:
As provided in accordance with "Section 5.4 - Off Street Parking and Loading" of the City of Broken Arrow Zoning Ordinance.

Sign Standard:
As provided in accordance with "Section 5.7 - Signs" of the City of Broken Arrow Zoning Ordinance.

Landscaping:
Landscaping shall be provided in accordance with Section 5.2 of the City of Broken Arrow Zoning Ordinance. A Landscape Buffer of at least 30 feet in width shall be provided along the east and south boundary of Tracts 'D' and 'E' that abut Agriculture or Residential zoned land. Within the Landscape Buffer at least one medium to large tree shall be planted for every 25 lineal feet of landscape area, of which at least 50% shall be evergreen. Trees may be grouped together or evenly spaced. An effort will be made to preserve existing trees along the south and east boundary of Tracts 'D' and 'E'.

Fencing/Screening:
An 8-foot opaque, screening fence shall be installed, in accordance with Section 5.2.E.2.c of the City of Broken Arrow Zoning Ordinance, along the south and east boundaries of Tracts 'D' and 'E'.



VI. DEVELOPMENT STANDARDS: Open Space - Development Sensitive (Tract 'B')

Tract 'B' is regulated by the Department of Environmental Quality (DEQ) and will require DEQ approval before any development is possible. Tract 'B' will be monitored per DEQ standards and regulations, based on sites with characteristics and issues consistent with those of Tract 'B'. This area is to be left in its native state.

Permitted uses: Open Space and Fencing

Fencing and Signage:

A 6-foot opaque, screening fence shall be installed, in accordance with Section 5.2.E of the City of Broken Arrow Zoning Ordinance, along the boundary of Tract 'B'. Appropriate signage will be utilized on the fence warning the public of the sensitive nature of the property.

VII. LANDSCAPING AND SCREENING -

Except as modified herein, landscaping shall be provided in accordance with "Section 5.2 - Landscaping, Trees, Screening, and Fencing" of the City of Broken Arrow Zoning Ordinance. Any landscape material which fails shall be replaced in accordance with the criteria contained in Section 5.2.B.4.d.ii of the City of Broken Arrow Zoning Ordinance.

VIII. LIGHTING -

Lighting shall be installed in accordance with "Section 5.6 -Exterior Lighting" of the City of Broken Arrow Zoning Ordinance.

IX. ACCESS -

Access to Kenosha Street shall meet the requirements of the City of Broken Arrow Zoning Ordinance. Access to 45th Place from Tract 'A' shall meet the City of Broken Arrow Zoning Ordinance for a collector street.

X. PLATTING -

No building permit shall be issued until the planned unit development project area has been included within a subdivision plat submitted to and approved by the Broken Arrow Planning Commission and the Broken Arrow City Council and duly filed of record. The property shall be platted in accordance with the City of Broken Arrow subdivision code. The deed of dedication of the required subdivision plat shall include covenants of record, enforceable by the City of Broken Arrow, setting forth the development standards of the planned unit development.



XI. SITE PLAN REVIEW -

No building permit shall be issued until a detailed site plan of the proposed improvements has been submitted to and approved by the City of Broken Arrow as being in compliance with the development concept and the development standards. No certificate of occupancy shall be issued until landscaping has been installed in accordance with a landscaping plan submitted to and approved by the City of Broken Arrow. A letter of approval from the Department of Environmental Quality (DEQ) shall be provided before the approval of any site plan located in environmentally sensitive areas.

