



# City of Broken Arrow

## Request for Action

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**File #: 21-243, Version: 1**

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**Broken Arrow Planning Commission  
02-11-2021**

**To:** Chairman and Commission Members  
**From:** Development Services Department  
**Title:**

**Public hearing, consideration, and possible action regarding PUD-94X (Planned Unit Development) and BAZ-2075, Battle Creek Commercial Center, 4.91 acres for PUD-94X and 3.00 acres for BAZ-2075, PUD-94/CG to PUD-94X/CG and CH, located north of the Broken Arrow Expressway and Albany Street, one-half mile east of Aspen Avenue (145<sup>th</sup> E. Avenue)**

**Background:**

**Applicant:** Tim Terral, Tulsa Engineering and Planning Associates, Inc.

**Owner:** BC Land Holding Company, LLC

**Developer:** Owasso Land Trust

**Engineer:** Tulsa Engineering and Planning Associates, Inc.

**Location:** North of the Broken Arrow Expressway and Albany Street, one-half mile east of Aspen Avenue (145th E. Avenue)

**Size of Tract** 4.91 acres (PUD-94X) and 3.00 acres (BAZ-2075)

**Present Zoning:** PUD-94/CG

**Proposed Zoning:** PUD-94X/CG and CH

**Comp Plan:** Level 6

Planned Unit Development (PUD)-94X involves a 4.91-acre parcel located north of the Broken Arrow Expressway and Albany Street, south of Albany Drive, and one-half mile east of Aspen Avenue. Applicant is requesting a major amendment to PUD-94O and with BAZ-2075 is asking that the underlying zoning on 3.00 acres be changed from CG (Commercial General) to CH (Commercial Heavy).

PUD-94X divides the 4.91 acres into two Tracts, A and B. Tract A, which contains 3.00 acres will be developed in accordance with the use and development regulations of the CG district except as modified by the PUD. A Kennel and Animal Training School is being contemplated in Tract A, however, all uses allowed in the CG district are permitted in Tract A. The kennels will be screened from Albany Drive by existing and proposed trees and other landscaping. Architectural metal fencing will also be used around the kennel area. Tract B, which contains 1.91 acres, will be developed in accordance with the use and development regulations of the CG, except as modified by the PUD.

#### PUD 94 HISTORY ON THE PROPERTY

PUD 94, along with BAZ 1236, were initially approved by the City Council on November 16, 1995, subject to the property being platted. PUD-94, known as “Battle Creek,” was proposed as a mixed-use development consisting of single family detached residences, multifamily residential, office and retail uses along with an 18-hole golf course, all located on 786.5 acres. The property associated with PUD 94X was designated as “Hotel/Conference Center” in PUD 94, for retail commercial, office, hotel, and restaurant use.

On November 16, 2010, the City Council approved PUD 94-O, a major amendment to PUD-94, subject to the property being platted. In PUD 94-O, the property associated with PUD 94X was designated as “Commercial” and permitted uses were identified as those permitted within a C-2 District as existing on January 31, 2008. PUD 94-O was approved subject to platting. The property has not been platted, therefore, the zoning property on the property associated with PUD-94X and BAZ-2075 remains PUD-94/CG.

#### PUD-94X

PUD-94X will be developed in accordance with the Broken Arrow Zoning Ordinance and the Use and Development Regulations of the CG district, except as modified by the PUD. A summary comparison between what is required by the Zoning Ordinance and what is being proposed with PUD-94X is provided below.

#### SUMMARY OF DEVIATION FROM THE BROKEN ARROW ZONING ORDINANCE

| Item                    | Broken Arrow Zoning Ordinance                                                                                                                                 | PUD-94X Request                                                                                                                                                                                               |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Permitted Uses          | As allowed in the CG district                                                                                                                                 | As allowed in the CG district. In addition, a Kennel and Animal Training School, which is not allowed in the CG district, but is allowed in the CH district with a PUD or SP, is allowed by right in Tract A. |
| Maximum Floor Area      | No requirement                                                                                                                                                | 21,000 square feet in Tract A and 17,500 in Tract B                                                                                                                                                           |
| Maximum Building Height | No requirement                                                                                                                                                | 35 feet (Architectural elements may exceed the maximum building height with Site Plan approval.)                                                                                                              |
| Minimum Open Space      | 10% for a commercial PUD                                                                                                                                      | 20% for both Tract A and Tract B                                                                                                                                                                              |
| Building Setback        | <u>Tract A</u> North: 50 feet East: 0 feet South: 50 feet West: NA <u>Tract B</u> North: 50 feet East: 30 feet South: 50 feet West: 0 feet Pipelines: 50 feet | <u>Tract A</u> North: 50 feet East: 0 feet South: 30 feet West: NA <u>Tract B</u> : North: 50 feet East: 11 feet South: 30 feet West: 0 feet Pipelines: 50 feet                                               |

|                    |                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Parking            | As per the Zoning Ordinance. A Veterinary Clinic/Hospital, Kennel and Animal Training School requires one space per 200 square feet of building. | As per the Zoning Ordinance, except that the parking requirement for Veterinary Clinic/Hospital, Kennel and Animal Training School will be 1 space per 225 square feet of building. A cross-parking agreement will be provided between Tracts A and B.                                                                                                                                                                                                                                                     |
| Landscaping        | One tree per 50 feet of street and highway frontage. Landscape edge is required to be at least 10 feet in width.                                 | Along the Broken Arrow Expressway and Albany Street, one tree per 25 feet of highway and street frontage. Along West Albany Drive, one tree per 30 feet of frontage. All trees must be medium or large trees except where there are conflicts with overhead power lines. At least 50 percent of the trees will be evergreen. The landscape edge along the Broken Arrow Expressway and Albany Street is 20 feet in width, while along Aspen Drive, the width of the landscape edge is increased to 15 feet. |
| Access             | On collector streets, such as Albany Drive, access points must align or be 150 feet apart, centerline to centerline on both sides of the street. | Three points of access are proposed to Albany Drive. The three access points are in compliance with the Zoning Ordinance.                                                                                                                                                                                                                                                                                                                                                                                  |
| Sidewalks          | 5-feet wide on arterial streets and 4-feet wide on collector streets.                                                                            | Sidewalks will be 5-feet wide along Albany Drive. There is already a sidewalk on Albany Street                                                                                                                                                                                                                                                                                                                                                                                                             |
| Freestanding Signs | Up to 50 feet in height and 500 square feet for a sign with multiple users.                                                                      | Only one pylon sign is allowed for each tract, and it is limited to 25 feet in height and 300 square feet. All other freestanding signs are limited to 8 feet in height and 96 square feet. The base of all freestanding signs will be of substantially the same material as the exterior of the principal building on the lot.                                                                                                                                                                            |

|                                 |                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Building Facades                | Masonry required along street frontages. Other products such as metal or wood, must be submitted to the Planning Commission.                                                                                                                                                                 | In Tract A, the front vertical exteriors may include fiber cement panels, the side vertical exteriors may include fiber cement panels and stucco textured metal panels; and the rear vertical exteriors may include stucco textured metal panes or metal panels. The maximum coverage of metal panels on the rear vertical exterior, however, is limited to 50%. In Tract B, building facades will be in accordance with the Zoning Ordinance. |
| Highway Design Overlay District | All buildings are required to be oriented towards the highway. If such building is on a lot with a second frontage, it shall have equally detailed and prominent facades constructed of equally high-quality materials on both sides. In addition, there are wall articulation requirements. | <u>Tract A</u> As per the Zoning Ordinance, except that the rear vertical exterior for building shall be exempt because the rear vertical exteriors will not be visible from the highway. The rear vertical exterior may include stucco textured metal panels or metal panels. The maximum coverage of metal panels on the rear vertical exterior, however, is limited to 50%. <u>Tract B</u> As per the Zoning Ordinance.                     |

## 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 2 and 3                             | PUD-94 and PUD-94P/CG | Undeveloped and multifamily               |
| East     | Levels 6                                  | PUD-130B/CH           | Undeveloped                               |
| South    | Broken Arrow Expressway and Albany Street | R-1                   | Broken Arrow Expressway and Albany Street |
| West     | NA                                        | NA                    | NA                                        |

The property associated with PUD-94X and BAZ-2075 is designated as Level 6 in the Comprehensive Plan. CH (Commercial Heavy) zoning is in conformance with the Comprehensive Plan in Level 6.

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-94X satisfies item 2 of Section 6.4.A of the Zoning Ordinance. (2) The width of the landscape edge along Albany Drive is increased from 10 feet to 15 feet, and along the Broken Arrow Expressway/Albany Street the width of the landscape edge is doubled to 20 feet. In addition, twice as much landscaping will be provided along the Broken Arrow Expressway than what is required by the Zoning Ordinance, thereby providing greater public benefits than would be achieved with just the Zoning Ordinance. Freestanding signs are limited in height and size, and are consistent with other PUD developments along the Broken Arrow Expressway.

According to FEMA maps, none of the property is in a 100-year floodplain area. Water and sanitary sewer service will be provided by the City of Broken Arrow. A high-pressure pipeline passes through Tract B.

**Attachments:** Case map for PUD-94X  
Case map for BAZ-2075  
Aerial photo  
Comprehensive Plan Future Development Guide  
PUD-94X design statement  
PUD-94O design statement  
PUD-94 conceptual development plan

**Recommendation:**

Based upon the Comprehensive Plan, the PUD submitted with BAZ-2075, the location of the property, features (i.e. landscaping, screening, and sign controls) provided in the PUD, and the surrounding land uses, Staff recommends that PUD-94X and BAZ-2075 be approved as presented, subject to the property being platted.

**Reviewed by: Jill Ferenc**

**Approved by: Larry R. Curtis**

BDM