



City of Broken Arrow

Request for Action

File #: 24-444, Version: 1

**Broken Arrow Planning Commission
03-28-2024**

To: Chairman and Commission Members
From: Community Development Department
Title: Public hearing, consideration, and possible action regarding COMP-001296-2024, Aspen Creek Village (Comprehensive Plan Change), approximately 90.33 acres from Level 6 (Regional Employment/Commercial) to Level 2 (Urban Residential), north of Tucson Street (121st Street), one-half west of Aspen Avenue (145th East Avenue), south of the Creek Turnpike

Background:

Applicant: AAB Engineering, LLC

Owner: S & R Development, LLC

Developer: S & R Development, LLC

Location: North of Tucson Street (121st Street), one-half mile west of Aspen Avenue (145th East Avenue), south of the Creek Turnpike

Size of Tract approximately 90.33 acres

Number of Lots: 1

Present Zoning: A-1 (Agricultural)

Comp Plan: Level 6 (Regional Employment/Commercial) (via BACP-132)

COMP-001296-2024 is a request to change the Comprehensive Plan designation on an approximately 90.33-acre tract of land. The applicant has requested to change from Level 6 (Regional Employment/Commercial) to Level 2 (Urban residential) to facilitate the redevelopment of a portion of the property for a commercial and single-family residential development. The property is currently undeveloped and unplatted.

The applicant is requesting to change the comprehensive plan to accommodate single-family residential development on this site. The location of this site, between a primary arterial street and the Creek Turnpike, in Staff's opinion does not lend itself to single-family residential development. In addition, the Comprehensive Plan's Transportation Plan calls for a frontage road to be located south of, and parallel to, the Creek Turnpike. The applicant has stated that it is their opinion that the future frontage road is not necessary, in light of their proposed comprehensive plan amendment application. The right-of-way required for a frontage road will significantly reduce the number of lots shown on the proposed plan.

The physical location of the subject property between a future frontage road and a primary arterial street supports the uses associated with the higher intensity of Level 6-type development that was approved by City Council with BACP-132, described in the site background section below.

SITE BACKGROUND

In 2004, BAZ-1645, an application to rezone this property from A-1 to R-3S (Single-Family Residential) and R-5 (Residential Multi-Family), was denied by the Planning Commission. Applicant appealed that decision to the City Council. The City Council placed the case on hold until a PUD was submitted on the property. A PUD was never submitted.

On November 5, 2013, the City Council approved BACP-132, a request to change the Level 3 designation on this property to Levels 3 and 6. BACP-132 was approved subject to the property being platted and being developed through the PUD process.

On February 4, 2014, PUD-224 and BAZ-1902, a request to rezone the same unplatted property from A-1 to RM (Residential Multifamily) and CH (Commercial Heavy), was approved by the City Council, subject to the property being platted. According to Section 6.4.D.11 of the Zoning Ordinance, “If a plat has not been recorded on any portion of the PUD within two years after its approval by the City Council, the PUD shall expire.” It is possible for the PUD to be extended an additional two years with a letter of request from the owner. As per the Zoning Ordinance, PUD-224 has expired. BAZ-1902, the request for RM and CH zoning, however, has not expired.

PUD-307, which was identical to the design statement approved with PUD-224, was approved by the City Council on May 19, 2020. PUD-307A, a major amendment to PUD-307 was approved by the City Council on June 20, 2021. The major amendment relocated the multi-family portion of the development from the center of the 116.78 acres to the eastern edge of the property. No changes were made to the Development Area A regulations which contain the development standards for the commercial portion of the development. Development Area B has been platted as The Trails at Aspen Creek.

BACP-184, an identical request to the current proposal was reviewed by the Planning Commission on August 14, 2022 and recommended for denial. The applicant did not appeal to the City Council.

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	Creek Turnpike	Creek Turnpike	Creek Turnpike
East	Level 3	RM (Residential Multi-Family)	Trails at Aspen Creek Apartments
South	Level 2	RS-3 (Single-Family Residential)	Existing and proposed single-family residential
West	Level 3	A-1 (Agricultural)	Undeveloped

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

Attachments: Case map
Aerial photo

Current Comprehensive Plan
Comprehensive Plan Prior to BACP-132
Comprehensive Plan Transportation Plan Map

Recommendation:

The subject property has gone through several iterations of comprehensive plan changes, rezonings, and PUD's. The location of this site, between a primary arterial street and the Creek Turnpike, in Staff's opinion does not lend itself to single-family residential development. The frontage road required by the Comprehensive Plan has not been considered as part of this request. Based on previously approved Comprehensive Plan changes, surrounding land uses, and the Comprehensive Plan Transportation Plan, Staff recommends that COMP-001296-2024 be denied.

Reviewed By: **Amanda Yamaguchi**

Approved By: **Rocky Henkel**

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