



# City of Broken Arrow

## Request for Action

---

**File #: 19-499, Version: 1**

---

### Broken Arrow Planning Commission

**05-09-2019**

**To: Chairman and Commission Members**

**From: Development Services Department**

**Title: Public hearing, consideration, and possible action regarding PUD-290 (Planned Unit Development), Riverbrook Apartments, 14.56 acres, RM to PUD-290/RM, one-half mile south of Jasper Street (131st Street), east of Aspen Avenue (145th East Avenue)**

**Background:**

**Applicant:** Patrick D. Rooney, Bohanon & Rooney Ventures, LLC

**Owner:** Janis Elizabeth Perrault

**Developer:** Bohanon & Rooney Ventures, LLC

**Architect:** Blackledge and Associates Architects

**Location:** One-half mile south of Jasper Street (131st Street), east of Aspen Avenue (145th East Avenue)

**Size of Tract** 14.56 acres

**Present Zoning:** RM

**Proposed Zoning:** PUD-290/RM

**Comp Plan:** Greenway/Floodplain

Planned Unit Development (PUD)-290 involves a 14.56 acre parcel located one-half mile south of Jasper Street (131<sup>st</sup> Street), east of Aspen Avenue (145<sup>th</sup> East Avenue). The property is presently zoned RM (Residential Multifamily). The RM zoning on the property was approved by the City Council on January 17, 1972, as part of BAZ-308, which was part of four rezoning applications in the area. On January 20, 1972, Ordinance 416 was approved by the City Council that changed the zoning on the property from R-1 to R-5. On February 1, 2008, the Zoning Ordinance was updated and the R-5 district was changed to RM.

Applicant is interested in developing an apartment project on the property. The development is proposed to occur in two phases. The first phase, which consists of 6.70 acres, will contain 72 total units (28 one bedroom units, 22 two bedroom units, and 22 three bedroom units). According to the design statement submitted with the PUD, the property will be developed in accordance with the Broken Arrow Zoning and the development regulations associated with the existing RM zoning except as summarized below.

SUMMARY OF DEVIATION FROM THE BROKEN ARROW ZONING ORDINANCE

Item	Broken Arrow Zoning Ordinance	PUD-290 Request
Units allowed (Phase 1)	133 units	72 units
Building setback and landscape buffer	A 35 foot wide unpaved area must be provided from property lines. Buildings must setback 75 feet from property lines when there is parking between the building and the 35 foot wide unpaved area.	For financing reasons, applicant is proposing to split the property into two lots. They will meet the requirements of the Zoning Ordinance around the perimeter boundaries of the property. But are requesting that the building setback and landscaping requirements on the interior property line they are creating be modified. They will provide a 17.5 foot utility easement on the north side of the interior lot line.
Building Height	No restriction, except when abutting single family residential, buildings shall setback two feet for every foot in height above 35 feet. For example, a 45 foot high building, the structure would need to setback 65 feet from the residential property line.	Two story buildings limited to 25 feet in height, three story buildings limited to 45 feet to the highest roof ridgeline.
Off Street Parking	Two spaces per unit	Two spaces per unit, except for one bedroom apartments, the number of parking spaces is reduced to 1.5 spaces per unit.
Screening	Screening fence between 6 feet and 10 feet in height required when RM area abuts any RE or RS district.	Requesting that no fence be required along the north/east boundary where a tree lined creek is located.
Building location	No more than three structures shall be located continuously on the same building line, or within 30 feet of such building line established.	In Phase 2 only, change to allow up to four structures to be located continuously on the same building line, or within 30 feet of such building line established.

### 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/East	Level 2, private recreation, and greenway floodplain	RM and R-2	Multifamily, private golf course, and Indian Springs Estates addition.
South	Public Recreation	R-2	Indian Springs Soccer complex
West	Level 2	R-2, R-3, and RD	Undeveloped and Willow Springs addition

The property associated with PUD-290 is designated as Greenway/Floodplain in the Comprehensive Plan. In 1997 when the Comprehensive Plan was adopted, the property was shown on the 1984 Federal Emergency Management Agency (FEMA) maps to be located entirely in the 100-year floodplain (1 percent chance of flooding). The 1999 FEMA maps continued to show the property in the 100-floodplain. In 2009, however, there is a change. The 2009 FEMA maps shows most of the property to be located in the 500-year floodplain (0.2 percent chance of flooding) with just the area along north/east boundary and part of the south boundary being located in the 100-year floodplain. While no development is allowed to occur in the 100-year floodplain, development is permitted in the 500-year floodplain. The FEMA maps prepared in 2012 and 2016 continue to show most of the property in the 500-year floodplain with just the area along the north/east boundary and along part of the south boundary being located in the 100-year floodplain.

With the existing RM zoning, the area located outside the 100-year floodplain should have been designated as Level 3. RM zoning is considered to be in conformance with the Comprehensive Plan in Level 3. With PUD-290 applicant is proposing to develop the property in accordance with the RM zoning district except for the following

- Restrict the number of units allowed in Phase 1 to 72 units instead of the 133 allowed in the Zoning Ordinance.
- Limit the height of structures to 45 feet for three story units and 25 feet two story units as compared to the height limits allowed in the RM district. In the adjacent neighborhood to the northeast that is zoned R-2, the height of the structures is limited to 50 feet.
- Reduce the parking requirement for one bedroom units from 2 parking spaces per unit to 1.5 parking spaces per unit.
- Requesting that no screening fence be required along the northeast boundary along a tree lined creek. According to the conceptual site plan, the closest multifamily structure is located approximately 100 feet from the north/east property line adjacent to the existing single family residential neighborhood.
- Only in Phase 2, there will be four units located on the same building plane along the south boundary instead of three. This boundary abuts a large AEP/PSO power line.

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-290 satisfies items 1, 2, and 3 of Section 6.4.A of the Zoning Ordinance. (1)Applicant is limiting the number of units in Phase 1 to 72, which is 46 percent less than what is allowed in the RM district. Building height is limited to 45 feet for 3 story units, which is less than the 50 feet allowed on the adjacent property to the northeast. Applicant is requesting relief from the landscaping and building setback required from the interior property line that is being created. (2 and 3)Open space is being maintained on the south part of the property. The privacy fence will be located on the north side of the AEP/PSO power lines, which will allow the area under the lines to continue to be used for soccer, which is a benefit to the public. In addition, the tree lined creek along the north/east boundary is being preserved. Reducing the number of required parking spaces for one-bedroom units reduces the number of parking spaces, which reduces the amount of impervious surface.

Water and sanitary sewer service will be provided by the City of Broken Arrow.

**Attachments:** Case map  
Aerial with floodplain  
1997 Comprehensive Plan  
PUD-290 design statement  
Information associated with BAZ-308  
Ordinance 416  
1984 Floodplain map  
1999 Floodplain map  
2009 Floodplain map  
2012 Floodplain map  
2016 Floodplain map  
Google Earth picture looking northeast from the southwest corner of the property

**Recommendation:**

Based upon the Comprehensive Plan, the existing zoning, the design statement and conceptual site plan submitted with PUD-290, the location of the property, and the surrounding land uses, Staff recommends that

PUD-290 be approved, subject to the property being platted and the following change made to the design statement:

1. Page 3, Item 5: Screening: 5.2.E.2.b, revise as follows: “A security fence of at least 6-feet in height shall be outside the 100-floodplain along the northeast boundary. This fence is not required to be opaque. The property owner is still responsible for the maintenance of the area between the fence and the north/east property line. The revised design statement incorporating this change shall be submitted to Staff by May 14, 2019.

**Reviewed and approved by:**            **Larry R. Curtis**

[Click here to enter text.](#)

**BDM**