



City of Broken Arrow

Request for Action

File #: 19-578, Version: 1

**Broken Arrow Planning Commission
05-23-2019**

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

Public hearing, consideration, and possible action regarding PUD-161H, a request for a major amendment to Planned Unit Development 161, Savvy Swimmers, 0.87 acres, PUD-161/CG, located one-eighth mile west of Olive Avenue (129th E. Avenue), north of Kenosha Street (71st Street)

Background:

Applicant: Chadwick Bailey
Owner: Builders Development Company, LLC
Developer: Chadwick Bailey
Engineer: Not Yet Known
Location: One-eighth mile west of Olive Avenue (129th E. Avenue), north of Kenosha Street (71st Street)
Size of Tract 0.87 acres
Present Zoning: PUD-161/CG
Proposed Zoning: PUD-161H/CG
Comp Plan: Level 4

Planned Unit Development (PUD)-161H involves a 0.87-acre parcel located one-eighth mile west of Olive Avenue (129th E. Avenue), north of Kenosha Street (71st Street). According to the design statement, the project is planned as a scuba diving and swim instruction facility. The property is presently zoned PUD-161/CG (Commercial General).

When PUD-161 was approved in 2005, the property was zoned C-2 (Planned Shopping Center) which did not include Commercial Swimming Pool as a permitted use. When a PUD is approved, the zoning that is in effect at that time is the zoning that governs the property. Since that time, the Zoning Ordinance has been updated, and the C-2 zoning designation has been converted to CG (Commercial General). The current Zoning Ordinance does not include a designation for Commercial Swimming Pool but includes General Indoor Recreation, and that use is permitted in the CG zoning district. With PUD-161H, the applicant proposes to include General Indoor Recreation as a permitted use. Other amendments requested include reducing the rear setback from 50 feet to 25 feet, allowing a deviation in exterior building materials to include metal, glass and masonry, and amending the parking ratio to one space per 300 square feet.

On October 18, 2016, the City Council approved PUD-161G, a major amendment to PUD-161 to amend the rear build line for Lot 3 Block 2 of Bricktown West Extended from 50 feet to 23 feet, subject to the building height being limited to one-story, installation of an eight-foot-high screening fence along the east boundary, installation of irrigation, and prohibiting restaurant uses. All other development regulations of PUD-161 were to remain in effect. PUD-161G was never vested and is not in effect.

The abutting property to the south of this parcel is a part of PUD-143A, approved by the Planning Commission as a minor amendment to PUD 143 on May 10, 2007. This amendment allowed the rear setback to be reduced from 50 feet to 23 feet with the following restrictions. Restaurant uses are prohibited, and a screening fence of nine feet (9') in height was to be installed. No parking or drives were to be allowed behind the building. The area to the rear of the building adjoining residential properties was to be planted and maintained with Shumard oak or other deciduous tree planted 40 feet on center and having a height of not less than 12 feet at the time of planting. An operable water spigot was to be installed at the rear of the building. Although this property is part of a separate PUD from the current project site, this site and the current project site are adjacent to each other and both abut the residential uses to the east. PUD-143A limits buildings to one story in height.

The renderings for the Savvy Swimmers project show two driveways and a drive aisle that circles around the back of the building. The applicant states that vehicular access is needed to the rear of the building so that heavy scuba equipment can be picked up and dropped off near the storage room at the southeast corner of the building. A driveway at the rear of the building will limit the width of a landscape buffer adjacent to the east property boundary. There are raised center medians on W. Kalanchoe Avenue. Therefore, driveway locations will need to be carefully designed or turning movements may be limited. The 2005 Zoning Ordinance requires two square feet of open space dedicated to parking and automobile maneuvering for each one-square-foot of floor space in addition to one loading space for every 25,000 square feet of floor space. The current Zoning Ordinance requires one parking space for every 200 square feet of floor area for general indoor recreation. The applicant is requesting that the parking ratio be amended to one space for every 300 square feet of floor area.

Other site considerations in PUD-161 include landscaping, lighting and the location and screening of a trash enclosure. Ten percent of the unpaved area is to be landscaped with one tree per 25 feet along the east boundary adjacent to residential uses. Fifty percent of the trees are to be evergreen. Lighting is not specifically addressed in PUD-161; rather, the PUD states that all other bulk requirements are to be in accordance with the Zoning Ordinance. PUD-161 requires trash enclosures to be setback not less than 25 feet from residential properties and screened with an opaque fence.

The proposed exterior building materials include metal with expanses of glass and masonry accents. The applicant requests that this deviation from the required masonry exterior be permitted. A patio is proposed at the northeast corner of the building. The proximity of this location to the residences to the east raises a concern about noise. A partial second floor is proposed for classroom use. Given the proximity to the residences to the east, second floor windows should not be included on that elevation. Both the 2005 Zoning Ordinance and the current one limit building height to 50 feet when adjacent to residential uses with a 50-foot setback. In consideration of the request for a reduced setback, a height limitation is reasonable. Given that residential uses are permitted to be 35 feet in height, a 35-foot height limit for this building would not be out of character with the surrounding uses. The renderings that are included in PUD-161H are conceptual in nature. Should this PUD major amendment be approved, scaled and detailed plans will need to demonstrate that the project meets PUD-161 and Zoning Ordinance requirements, except for the requested and approved deviations.

SUMMARY OF DEVIATION FROM PUD-161

Item	PUD-161	PUD-161H Request
Permitted Uses	Uses permitted within a C-2 District (now converted to CG) except sexually oriented businesses are prohibited.	Add the use of indoor recreational facility as a permitted use.
Maximum Lot Coverage	25 percent of net lot area	Per PUD-161
Minimum building setback Distance from interior public street	30 feet (The required setback may be reduced to 25 feet if 25 feet of landscaped area is provided along the street right-of-way and no parking is permitted in front of the building.)	Per PUD-161
Minimum structure setback from abutting residential lots	50 feet	25 feet
Minimum building setbacks from other interior lots	North property line - 0 feet South property line - 10 feet	Per PUD-161
Maximum height	2 stories	Per PUD-161
Off-street parking	Per Zoning Ordinance	One space per 300 square feet of building area for indoor recreational facility
Building design requirements	The exterior finish of the building walls shall be of masonry materials in accordance with the provisions of the Broken Arrow Zoning Ordinance.	The exterior finish of building walls shall be of masonry, metal and/or glass.
Other bulk area requirements	As required within a C-2 District	Per PUD-161
Minimum landscape area	10 percent of the net lot area	Per PUD-161
Landscaping along east boundary adjacent to residential properties	Per Zoning Ordinance except that an unpaved area of at least 10 feet in width shall be provided along the east boundary adjacent to the residential subdivision known as "Bricktown" and within the required open space area. At least one tree shall be planted for each 25 linear feet and at least 50 percent of the required trees shall be evergreens.	Per PUD-161

Trash receptacles	Dumpsters and other exterior trash receptacles shall be set back not less than 25 feet from any residential property line and shall be screened by an opaque fence that is higher than the dumpster.	Per PUD-161
Fencing	Per Zoning Ordinance	Per 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 4	PUD-161/CG and R-3	Bricktown West Extended and single-family residential
East	Level 2	R-3	Single-family residential
South	Level 4	PUD-143/CG	Commercial
West	Level 4	PUD-161/CG	Restaurant

According to FEMA maps, none of the property is located in a 100-year floodplain area. Reserve Area A, located northwest of and adjacent to this project site, includes a detention facility and utility easement.

The property associated with PUD-161H is shown in the Comprehensive Plan as Level 4. The development proposed with PUD-161H is considered to be in compliance with the Comprehensive Plan in Level 4.

At the time of the draft of this staff report, staff has received four telephone calls regarding the PUD major Amendment request. Two of these individuals were inquiring about the nature of the project. One individual had a concern about noise. One individual was opposed to the request.

Attachments: Case map
Aerial photo
PUD-161H Development Standards
PUD-161 Development Standards
Bricktown West Extended Plat

Recommendation:

Based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-161H be approved, subject to the following conditions.

1. The building height shall be limited to 35 feet.
2. Second floor windows shall not be permitted on the building elevation facing the residential property to the east.
3. Activities in the patio area shall cease operation at 9:00 p.m., Sunday through Thursday, and at 10:00

p.m. on Friday and Saturday. No amplified sound shall be permitted in the patio area or elsewhere on the exterior of the building.

4. An unpaved area of at least ten feet in width shall be provided along the east boundary. In this 10-foot-wide open space area, at least one tree shall be provided for every 25 linear feet. At least 50 percent of the trees shall be evergreens.
5. The existing six-foot-high fence shall be replaced with an eight-foot-high screening fence.

Reviewed and Approved By: **Larry R. Curtis**

JMW