



City of Broken Arrow

Request for Action

File #: 19-814, Version: 1

**Broken Arrow Planning Commission
06-27-2019**

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

Public hearing, consideration, and possible action regarding PUD-249A (Planned Unit Development), a major amendment to PUD 249, Bluebird Storage Facilities, 6.50 acres, IL (Industrial Light)/PUD 249 to IL/PUD-249A, south of Washington Street (91st Street), one-quarter mile east of the Creek Turnpike

Background:

Applicant: Tim Terral, Tulsa Engineering and Planning Associates, Inc.
Owner: Aspen Square, Inc.
Developer: Aspen Square, Inc.
Engineer: Tulsa Engineering and Planning Associates, Inc.
Location: South of Washington Street (91st Street), one-quarter mile east of the Creek Turnpike
Size of Tract 6.50 acres
Present Zoning: IL/PUD-249
Proposed Zoning: IL/PUD-245A
Comp Plan: Level 6

Planned Unit Development (PUD)-249A involves a 6.50 acre parcel located south of Washington Street (91st Street), one-quarter mile east of the Creek Turnpike, and about one-quarter mile west of State Highway 51. The property is presently zoned IL (Industrial Light) and is a part of PUD-249. PUD-249 and BAZ-1952 (A-1 to IL) were approved by the City Council on March 1, 2016. PUD-249 limited the use of the property to storage and accessory uses. The City Council also specified that the storage of salvage vehicles, as well as salvage activity, would not be allowed on the property. During the past couple of years, the property has been used for the storage of recreational vehicles.

With PUD-249A, applicant is requesting to split the property into two parcels and create two Development Areas, A and B. Development Area B, the east parcel, will continue to be regulated by development regulations associated with PUD-249. With PUD-249A, applicant is requesting that within Development Area A, the west parcel, that the uses permitted be changed to those allowed by right or Specific Use Permit in the IL district. Everything else in PUD-249A remained the same.

The property associated with PUD-249A was initially used as horticulture nursery. SP-244 was approved by the City Council on October 10, 2010, subject to the property being platted. The property was platted as Bluebird Garden Center. The plat was recorded in Wagoner County on February 1, 2012. The horticulture

nursery was closed a couple of years later, and the property was acquired by Aspen Square, Inc.

The property is not connected to a sanitary sewer line. When the horticulture nursery was built, a sanitary sewer lagoon system was constructed to serve the office. When the recreational vehicle storage facility was implemented, the office building remained connected to the sanitary sewer lagoon. With PUD-249, applicant is requesting that the uses permitted be changed to those allowed by right or Specific Use Permit in the IL district. Therefore, there could be additional flows into the sanitary sewer lagoon. According to the applicant, they have checked the Oklahoma Department of Environmental Quality (DEQ) statutes, and they are okay to use the sanitary sewer lagoon to serve future industrial uses in Development Area A.

PUD-249, which was done by a different applicant, was approved by the City Council on March 1, 2016. The site plan was approved by Staff in January 2017. On June 20, 2019, Staff visited the site and observed several items that were not in compliance with the PUD approved by the City Council nor the site plan approved by Staff. In the following statements, the requirement of the PUD is stated first in italics, followed by what was constructed on site in parenthesis.

1. *Landscape Area: 10% of the gross land area.* (The site contains 6.50 gross acres or 283,140 square feet. At 10% of the gross land area, at least 28,314 square feet of landscape open space should be provided. According to measurements from Google Earth aerials, only about 3,268 feet of landscape open space has been provided.)
2. *Landscape Area: Note: A landscape edge of at least 10' - 0" in width shall be provided along Washington Street. In this landscape edge at least one large evergreen tree shall be planted and maintained for every 30 linear feet of frontage. No landscaping is required in the interior the project.* (Between the drives it appears that a 10 foot wide landscape area has been provided along part of Washington Street. However, on the opposite side of the drives, the area adjacent to the fence has been paved. No evergreen trees have been installed. A landscape plan was submitted, but it was never approved by Staff.)
3. *Lighting used to illuminate the Site shall meet the Broken Arrow Zoning Ordinance and be so arranged as to shield and direct the light away from adjacent properties.* (The Broken Arrow Zoning Ordinance does not allow light poles to be installed in utility easements next to street right-of-way. The approved site plan did not show any light poles, and contained the following statement "No Outdoor Light Poles". A light pole has been installed in the northeast corner of the property, which does not meet the requirements of the Zoning Ordinance or PUD-249.
4. *Utilities are either available at the development boundaries or will be provided by customary extension adjacent to the Site.* (Sanitary sewer was not extended to the site. The existing lagoon that was installed with the horticultural nursery continues to be used. The applicant with PUD-249A has checked with the Department of Environmental Quality statutes and are satisfied that the lagoon can continue to be used for future industrial uses. They have incorporated this into PUD-249A.)
5. *An eight foot high privacy fence will be installed around the site perimeter for security purposes. The fence shall meet the requirement of the Broken Arrow Zoning Ordinance.* A chain link fence with three strands of barb wire has been installed around the perimeter of the property. Section 5.2.E.3.d of the Zoning Ordinance specifically states that chain link fence shall be prohibited. The approved site plan showed an eight-foot high cedar fence.

6. *5-foot wide sidewalk required.* Sidewalk has not been installed.
7. *A free standing sign pole sign may be constructed along the North property line.* No freestanding signs have been installed. Instead, an off-premise sign has been installed on the southwest corner of Highway 51 and Washington Street. Off-premise signs are not allowed by the Zoning Ordinance.

The property has been platted as Bluebird Garden Center. Applicant does not propose to replat the property. Instead, they will be proposing to submit a lot split to the Planning Commission. The lot line with the proposed lot split is shown to pass through the existing sanitary sewer lagoon. According to the PUD design statement, maintenance of the sanitary sewer lagoon will be the responsibility of the two lot owners.

The existing parking lot and traffic circulation for the recreational vehicle storage passes over both proposed lots. According to the applicant, a mutual access easement between the two lots will be recorded. If the development of Development Area A generates the need for lines to be extended and fire hydrants to be extended, they will be extended at that time.

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 6	A-1	Undeveloped
East	Level 6	A-1	Undeveloped
South	Level 6	A-1	Undeveloped
West	Level 6	A-1	Zeeco

The property associated with PUD-249A is designated as Level 6 in the Comprehensive Plan. IL zoning is considered to be in accordance with the Comprehensive Plan when done as part of a PUD.

None of the property is located in the 100-year floodplain. When Bluebird Garden Center was platted, the south one-third of the property was designated as an “Overland Drainage Easement”. According to the covenants associated with the plat, “...that within the detention easement depicted on the accompanying plat no building, structure or other above or below ground obstruction shall be placed, erected, installed or maintained, provided however, nothing shall be deemed to prohibit drives, parking areas, curbing and landscaping that do not constitute an obstruction.” Therefore, per the existing plat, no buildings will be allowed on the south one-third of the property.

Water service is provided by Rural Water District #4. The existing sanitary sewer lagoon on the property is proposed to continue to provide sanitary sewer service.

Attachments: Case map
Google Earth Aerial photo

Comprehensive Plan
PUD-249A design statement
PUD-249A approved PUD document
Approved site plan
Bluebird Garden Center plat
Pictures
Landscape area measurement
Email from applicant

Recommendation:

Based upon the Comprehensive Plan, the existing zoning, the design statement, the location of the property, and the surrounding land uses, Staff recommends that PUD-249A be approved. Since the property has been platted, Staff recommends that platting be waived. However, as described in the Staff report, there are numerous items that are not in compliance with the PUD and the approved site plan.

Therefore, Staff recommends that the property come into compliance with PUD-249, PUD-249A, and the approved site plan by January 1, 2020, including the removal of the off-premise advertising sign on the southwest corner of Washington Street and Highway 51. Applicant shall notify Staff when the property has come into compliance. Furthermore, the request for a lot split shall not be forwarded onto the Planning Commission until the property is brought into compliance with PUD-249, PUD 249A, the approved site plan, and all landscaping shall be installed in accordance with an approved landscape plan. In order to insure proper ownership responsibilities, the sanitary sewer lagoon shall be located entirely within Development Area A. Language shall be added to the PUD that users of the sanitary sewer lagoon shall connect to the sanitary sewer system when sanitary sewer lines are extended to within 300 feet of the site. In addition, the PUD text shall be revised accordingly, and Exhibit "A" shall be revised to reflect the existing approved site plan. A copy of the revised PUD document shall be submitted to Staff by July 8, 2019.

Reviewed and approved by: Larry R. Curtis

BDM