



City of Broken Arrow

Request for Action

File #: 19-1505, **Version:** 1

Broken Arrow Planning Commission

12-19-2019

To: Chairman and Commission Members
From: Development Services Department

Title: Public hearing, consideration, and possible action regarding PUD-298 (Planned Unit Development), Stewart Martin Equipment-Kubota Dealership and abrogation of a portion of SP-196A (Specific Use Permit), 6.60 acres, CH (Commercial Heavy), located one-quarter mile north of Kenosha Street (71st Street), east of Elm Place (161st E. Avenue)

Background:

Applicant: Ryan McCarty
Owner: Northside Christian Church
Developer: Stewart Martin Equipment
Architect: Not yet known
Location: One-quarter mile north of Kenosha Street (71st Street), east of Elm Place (161st E. Avenue)
Size of Tract 6.60 acres
Present Zoning: CH
Proposed Zoning: PUD-298/CH
Comp Plan: Level 6

Planned Unit Development (PUD)-298 involves a 6.60-acre tract located one-quarter mile north of Kenosha Street (71st Street), east of Elm Place (161st E. Avenue) at 1275 N. Elm Place. In conjunction with PUD-298, applicant requests that a portion of SP-196A be abrogated for this property. The property has been platted and includes the north portion of Lot 1, Block 1 of the Northside Christian Church plat.

On January 13, 1983, the Planning Commission approved the site plan for Northside Christian Church with a condition that a sidewalk be built along Elm Place. The site plan included construction of a new classroom building to be built northeast of the existing church and an additional parking area.

On June 5, 1984, the Bradley Chevrolet, Inc. plat was filed in Tulsa County that included one lot in one block totaling 6.60 acres. The site, which is the site of this PUD request, was later a used car dealership. At the time that Northside Christian Church purchased the north 6.60 acres, the church was a legal non-conforming use as they occupied the site prior to the requirement for a Specific Use Permit. The Planning Commission approved a preliminary plat for the property in December 1999, subject to an application being made for a Specific Use

Permit. On February 21, 2000, the City Council approved SP-138 for Northside Christian Church, subject to the property being platted. The platting process was not completed and both the Specific Use Permit and the plat expired after one year.

On May 2, 2005, the City Council approved SP-196 for Northside Christian Church for church uses on the 6.60 acres that the church was in the process of acquiring, subject to replatting. Applicant at that time did not plat the property and SP-196 expired. Northside Christian Church subsequently submitted SP-196A for the entire site, and on September 8, 2006, the City Council approved SP-196A for Northside Christian Church, subject to replatting and limited the use of the site to church and activities directly associated with a church. Stewart Martin Equipment is in the process of acquiring the 6.60 acres from Northside Christian Church. Applicant requests that the Specific Use Permit (SP-196A) for the 6.60-acre northern portion of the site be abrogated.

On June 29, 2007, the Northside Christian Church plat was recorded in Tulsa County (PT06-120). Ten feet of right-of-way and a 17.5-foot utility easement were dedicated with the plat. Although a driveway exists for the north 6.60 acres, the north 318 feet of the site is identified on the plat as having a Limits of No Access (LNA). Should PUD-298 be approved, the access will need to be amended to provide one driveway for this site. The church and Stewart Martin Equipment intend to establish a mutual access easement between the driveway for this site and the north driveway on the church site by separate instrument.

With PUD-298, applicant requests approval to allow tractor, utility trailer, all-terrain vehicle, and associated equipment sales and rentals, including parts and service, on a 6.60-acre tract. Applicant proposes gated access and a drive aisle surrounding the building. The required front landscape edge is proposed to be increased from ten feet to fifteen feet with expanded landscaping at the front corners of the site and along the entrance drive. A black ornamental metal fence is proposed at the back of the landscape edge and extending back a minimum of 200 feet where it transitions to chain link. Chain link fencing exists towards the rear of the site. The site is currently paved, and the applicant proposes to resurface the existing pavement. Applicant proposes to retain existing light poles but may replace fixtures. Outdoor display of equipment is proposed. The one-story building is proposed to be 17,500 square feet in area including a 5,000-square-foot showroom, service bays, storage, and an employee breakroom. Exterior building materials include a masonry base with metal on the upper portion. A 29-foot-high monument sign with aluminum cladding is proposed to include a primary sign (74 square feet) and an LED display sign (42 square feet).

Stewart Martin Equipment - Kubota Dealership is proposed to be developed in accordance with the City of Broken Arrow Zoning Ordinance and the use and development regulations of the CH district, except as summarized below.

SUMMARY OF DEVIATION FROM THE BROKEN ARROW ZONING ORDINANCE

Item	Broken Arrow Zoning Ordinance - CH District	PUD-298 Request
Allowed uses	As allowed in the CH district	As allowed in the CH district with the addition of tractor, utility trailer, all-terrain vehicles sales, rentals, parts and service.

Building height	None	Per Zoning Ordinance
Building setback	North: 0 feet East: 50 feet (from residential) South: 0 feet West: 50 feet	Exceed minimums per Zoning Ordinance.
Exterior Building Materials	Building exteriors that are facing a public street to be constructed of masonry. Metal finishes, wood, plastic and other masonry material may be considered and approved by the Planning Commission through the site plan review process.	Masonry wainscot extending minimum of 50 feet from the west side of the building with metal above. Structural awnings to provide articulation.
Parking	One space per 400 square feet of office sales are, plus one space per 1,000 square feet of outdoor display area.	Per Zoning Ordinance
Perimeter Fencing	None required when commercial development does not abut agricultural or residential zoned property.	Six-foot high black ornamental metal fence will be provided along the landscape edge and extend 200 feet along the north boundary and 423 feet along the south boundary. Chain link fence beyond the ornamental fence.
Freestanding Signs	Freestanding signs with a masonry base not to exceed 20 feet in height. Additional height may be granted for additional setbacks measured from the ultimate right-of-way line on a one-foot (1') vertical to two-foot (2') horizontal basis, to a maximum of thirty feet (30') and up to 300 square feet in area. LED signs permitted in accordance with Section 5.7.C.2.b.	Twenty-nine-foot-high (29') freestanding sign with aluminum cladding proposed a minimum of 20 feet from right-of-way to include a 74-square-foot primary sign and a 42-square-foot LED display.
Landscaping	10-foot-wide landscape edge with one tree and 10 shrubs for each 50 linear feet. Parking lot: Ten-foot-wide planting island with one tree for every ten parking spaces. No parking space more than 75 feet from a landscaped area.	15-foot-wide landscape edge along Elm Place with one tree and 10 shrubs for every 50 lineal feet. Parking lot: Four trees near parking adjacent to building. No trees for employee parking on existing paved area along the north edge of site.

Parking lot lighting	Light poles up to 16 feet in height within 50 feet of public right-of-way, and up to 20 feet in height within 250 feet of public right-of-way.	Use existing light poles that exceed 16 feet in height and install shields on fixtures. If existing fixtures are not operational, replace fixtures with those that are shielded with light directed downward.
Screening of mechanical equipment and trash containers	Ground-mounted mechanical equipment shall be screened with ornamental fences, or through the use of trees and shrubs that form an opaque visual screen. Refuse collection receptacles shall be screened from view on all sides by a durable sight-obscuring enclosure with an opaque fence.	Ground-mounted HVAC equipment to be screened with six-foot-high wood fence. Trash enclosure to be constructed with six-foot-high wood fence with a screening gate.

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 (2019)	Zoning	Land Use
North	Level 6	CH	Hotel, Broken Arrow Roller Sports
East	Level 3	RM	Blue line stream, car lot
South	Level 6	CH/SP-196A	Place of Assembly
West	Level 4	ON	Medical Office

The property associated with PUD-298 is designated as Level 6 in the Comprehensive Plan recently adopted by the City Council. CH (Commercial Heavy) zoning is considered to be 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-298 satisfies items 1, 2, 3 and 5 of Section 6.4.A of the Zoning Ordinance. (1) Applicant has designed a conceptual site plan that focuses development on the front portion of the site and will utilize existing pavement and light poles. The rear of the site will remain as grass for the time being. To ensure compatibility with adjoining and proximate properties, applicant has designed a 15-foot wide landscape buffer along Elm Place. The site has been idle for some time. With this development, the site will be redeveloped and beautified. (2) Applicant and abutting property owner to the south are utilizing existing curb cuts and drive aisles to provide a mutual access easement thereby providing greater flexibility and alternate access to Elm Place should a traffic disruption prohibit access from one of the driveways. (3) Previously, the site was paved nearly to the sidewalk. With PUD-298, some of the pavement will be removed, and a minimum 15-foot-wide landscape area will be provided along Elm Place with wider landscape areas at the corners of the property and extending along the entrance drive aisle. (5) The site has been underutilized for several years. With this development, the site will be redeveloped to include a new building, landscaping and ornamental fencing for a more productive use of the land.

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

Attachments: Case map
Aerial
PUD-298 design statement
Northside Christian Church plat

Recommendation:

Based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-298 be approved, subject to the following conditions of approval.

1. A lot split shall be completed to split the 6.60 acres of this PUD from the remainder of the Northside Christian Church property.
2. Applicant to amend the limits of no access on the plat to allow for one driveway entrance consistent with the existing curb cut.

Reviewed by: Jill Ferenc

Approved by: Larry R. Curtis

JMW