



# City of Broken Arrow

## Request for Action

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**File #: 20-463, Version: 1**

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### Broken Arrow Planning Commission

**05-14-2020**

**To: Chairman and Commission Members**

**From: Development Services Department**

**Title:**

**Public hearing, consideration, and possible action regarding PUD-307 (Planned Unit Development), Aspen Creek Village, 116.78 acres, A-1 to PUD-307/CH and RM (BAZ-1902), located one-quarter mile west of Aspen Avenue (145<sup>th</sup> East Avenue), north of Tucson Street (121<sup>st</sup> Street)**

#### **Background:**

**Applicant:** Alan Betchan, AAB Engineering, LLC

**Owner:** S and R Development, LLC

**Developer:** S and R Development, LLC

**Engineer:** AAB Engineering, LLC

**Location:** One-quarter mile west of Aspen Avenue (145th E. Avenue), north of Tucson Street (121st Street)

**Size of Tract** 116.78 acres

**Present Zoning:** A-1

**Proposed Zoning:** PUD-307/CH and RM (BAZ-1902)

**Comp Plan:** Level 4

Planned Unit Development (PUD) No. 307 involves 116.78 acres located one-quarter mile west of Aspen Avenue, one-quarter mile east of Olive Avenue, north of Tucson Street, and south of the Creek Turnpike. On February 4, 2014, PUD-224 and BAZ-1902, a request to rezone the same unplatted property associated with PUD-307 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. The design statement submitted with PUD-307 is the same exact design statement approved previously with PUD-224.

Due to Public Notice requirements, this item was continued from the May 7, 2020, Planning Commission meeting to the May 14, 2020, Planning Commission meeting. Zoning notice signs have been placed correctly on the property.

In 2004, BAZ 1645, an application to rezone this property from A-1 to R-3S and R-5, 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.

PUD-307 is proposed to be developed in accordance with the Zoning Ordinance and the use and development regulations of the CH and RM districts except as described in the design statement. A summary comparison between the Zoning Ordinance requirement and what is being requested with PUD-307 is provided below.

SUMMARY COMPARISON BETWEEN THE ZONING ORDINANCE AND PUD-307 FOR COMMERCIAL DEVELOPMENT

Item	Zoning Ordinance Requirement	PUD-307 Request
Permitted Uses	As allowed in the CH District.	As allowed in the CH District, but prohibiting sexually oriented businesses. Places of assembly, animal training school, kennel, veterinary clinic/animal hospital, and office warehouse would be allowed by right and will not require a Specific Use Permit. Vehicle Sales and Rental is allowed as long as it conforms to Sections 3.2.C.4.a, b, d, e, and g of the Zoning Ordinance and is located at least 200 feet from the Tucson Street right-of-way. Mini-storage is allowed, provided it conforms to the Specific Use Permit standards of the Zoning Ordinance and does not exceed 18 acres.
Maximum Building Height	No limitation.	Within 200 feet of the Tucson Street right-of-way, building height limited to 2 stories or 35 feet. No limitation on the rest of the property.

Building Setback	50 feet from street right-of-way. Abutting nonresidential property with a different zoning classification - 30 feet. Abutting residential - 50 feet for a one-story building, 75 feet for multi-story building less than 75 feet in height, and one foot of setback for every foot in height for buildings over 75 feet in height.	Along the Creek Turnpike - reduced to 30 feet. Along Tucson Street - 50 feet, but can be reduced to 25 feet if there are no buildings or parking between the building and Tucson Street. Adjacent to the service road - 50 feet. Along the east boundary - 50 feet. Along the west boundary - 30 feet. Internal boundaries - 10 feet. Between Development Areas A and B - 20 feet.
Landscaping - tree requirement	One tree per 50 lineal feet of frontage along a public street or highway frontage.	Same as Zoning Ordinance.
Landscape edge next to a street	10 feet.	Same as Zoning Ordinance.
Parking Lot Lighting	16 feet within 50 feet of property line without a photometric. Height of poles can gradually increase to a maximum height of 35 feet.	Same as Zoning Ordinance.
Access to adjacent property	Two points of access required per half mile.	Service road connects to both east and west boundaries.
Integrated Development Signs	One integrated development sign per 15 acres. Integrated development signs limited to 35 feet in height and 300 square feet in size.	Five integrated development signs proposed in addition to the four off-premise advertising signs presently on the property. No more than 3 project signs can be located along either the north boundary or the south boundary. Project signs on the north part of the property can be 50 feet in height and contain 500 square feet. Project signs along the south boundary cannot exceed 300 square feet of display area or exceed 35 feet in height.
Freestanding signs in conjunction with integrated development signs	One freestanding sign per lot limited to 10 feet in height and 100 square feet in size.	Same as Zoning Ordinance.

Off-premise advertising signs	No freestanding signs allowed within 1,500 feet of an off-premise advertising sign.	Allows freestanding signs to be located within 1,500 feet of an off-premise advertising sign. There are four existing off-premise advertising signs on the property and two on the adjacent properties.
Freestanding signs in utility easements	Freestanding signs are allowed to be placed in utility easements with approval from all utility companies and owner assuming all liability for damage to the sign.	Signs allowed in the utility easement next to Tucson Street, otherwise not allowed in utility easements.
LED or animated signs	Not allowed within 20 feet of street right-of-way or within 200 feet of a residential district.	LED signs and animated signs are allowed, but within 100 feet of Tucson Street right-of-way, LED signs shall not exceed 50 square feet and must display static images with minimum image display duration of at least 8 seconds.
Access restrictions	On arterial streets, access points shall be 250 feet from the centerline of any street and from any driveway on the same side of the street. Access point shall either align with or be offset by at least 200 feet from the centerline of access points on the other side of the street. On collector street, access points shall either align with or be offset by at least 150 feet.	Access is per the Zoning Ordinance. The number of access points to Tucson Street is limited to six. Two of the six access points are streets. The other four points of access would be shared among individual lots. A service road will be provided from the east boundary to the west boundary, running generally parallel to the Creek Turnpike.
Building facades	Building facades adjacent to street or highway frontage must contain masonry material unless modified by the Planning Commission. Buildings within 500 feet of a highway must meet the Highway Design Criteria of Section 5.8.I of the Zoning Ordinance.	Building facades adjacent to street or highway frontage will comply with the Zoning Ordinance. Buildings on the north side of the Service Road only have to comply with items b and c of Section 5.8.I.4 of the Zoning Ordinance. Otherwise, the Highway Design Overlay District criteria shall not apply.

A comparison between the Zoning Ordinance and PUD-307 for multifamily development is summarized in the

following table.

SUMMARY COMPARISON BETWEEN THE ZONING ORDINANCE AND PUD-307 FOR MULTIFAMILY DEVELOPMENT

Item	Zoning Ordinance Requirement	PUD-307 Request
Permitted Uses	As allowed in the Zoning Ordinance.	As allowed in the Zoning Ordinance except that a separate application for a Specific Use Permit is not required.
Minimum exterior masonry requirement	60% of the exterior shall be constructed of masonry, of which at least 20% of the street facing facade shall be natural brick or masonry rock.	As per the Zoning Ordinance, except that if any building exceeds 160 feet in length, all building facades within 75 feet of a public street that face and are immediately adjacent to a public street shall be constructed of a minimum 65% brick or natural or cultured rock or stone and all other buildings will have at least 35% brick or natural stone.
Maximum building coverage	50%	40%
Maximum building height	No height restriction unless adjacent to single family residential.	60 feet
Maximum number of stories	No restriction, unless adjacent to single family residential.	4 stories
Minimum off-street parking	2 spaces	1.5 spaces per one bedroom dwelling unit and 2 spaces per two or three bedroom dwelling unit.
Minimum building setbacks	35 feet unpaved, 75 feet with parking	20 feet
Maximum building length	160 feet	200 feet
Landscaping	One tree per 50 feet of street frontage, one tree per 10 parking spaces, 2 trees and 5 shrubs (3-gallon) per dwelling unit.	Same as Zoning Ordinance except that there would be 1 tree per unit instead of 2, but the size of the tree increases from 2-inches to 3-inches in caliper. Number of shrubs modified from 5 per dwelling unit to 7.5 three-gallon shrubs and 5 one-gallon shrubs per dwelling unit.

Landscape edge	35 feet around perimeter of property.	Can be reduced to 20 feet provided 15 shrubs are provided for every 50 linear feet of landscape edge. Shrubs in the landscaped edge are in addition to the other required landscaping.
Screening	Opaque fence required along street frontages. Dumpsters required to be screened.	Perimeter fencing may be ornamental iron fencing of at least 6 feet in height with masonry columns of either brick or stone placed no more than 50 feet on center. Dumpster will be screened with masonry walls or combination of masonry and opaque fencing.

### 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 3	A-1	Creek Turnpike and undeveloped.
East	Level 6 and GreenwayFloodplain	A-1	Undeveloped.
South	Level 2	A-1, RS-3, and RS-3/PUD 181	Spring Creek of Broken Arrow and Riverstone Estates additions.
West	Level 3 and Level 6	A-1	Small golf course, large lot residential, and undeveloped.

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. The CH zoning that was approved previously with BAZ-1902 is in accordance with the Comprehensive Plan in Level 6, as well as the RM zoning request that was approved previously is in accordance with the Comprehensive Plan in Level 3.

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-307 satisfies items 1 and 4 of Section 6.4.A of the Zoning Ordinance. (1) Within 200 feet of Tucson Street, buildings are limited to 35 feet in height. The Spring Creek of Broken Arrow and Riverstone Estates additions abut Tucson Street to the south. A service road will be constructed that extends from the east boundary to the west boundary. The requirements contained in the design statement permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use. (4) PUD-307 is proposed to be a mixed-use development containing both commercial and multifamily uses.

A small portion of the property adjacent to the east boundary, according to FEMA maps, is located in a 100-year floodplain area. According to the design statement, storm water detention will occur onsite. Sanitary sewer service and water will be provided by the City of Broken Arrow.

Public comments were received and will be presented after the Staff report.

**Attachments:** Case map  
Aerial photo  
Case map from BACP 132  
PUD-307 design statement

**Recommendation:**

Based upon the previous approval of Comprehensive Plan amendment BACP-132 and the previous approval of PUD-224, which is the same exact design statement submitted with PUD-307, Staff recommends that PUD-307 be approved, subject to the property being platted. PUD-307 shall be based on the Zoning Ordinance in effect in 2020, not that which was in effect in 2014. In addition, BAZ-1902, which the City Council approved previously on February 4, 2004, to have the underlying zoning be changed from A-1 to CH and RM, remains approved, subject to the property being platted.

**Reviewed by: Jill Ferenc**

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**Approved by: Larry R. Curtis**

BDM