



City of Broken Arrow

Request for Action

File #: 20-1168, **Version:** 1

**Broken Arrow Planning Commission
09-24-2020**

To: Chairman and Commission Members
From: Development Services Department
Title: Public hearing, consideration, and possible action regarding BACP-131A (Comprehensive Plan Change), Level 1 (Rural Residential) to Level 3 (Transition Area), Oak Pond, 6.1 acres, A-1 (Agricultural), north of Washington Street (91st Street), one-quarter mile west of 9th Street (177th E. Avenue)

Background:

Applicant: Oak Pond, LLC
Owner: Oak Pond, LLC
Developer: Oak Pond, LLC
Engineer: Not applicable
Location: North of Washington Street (91st Street), one-quarter mile west of 9th Street (177th E. Avenue)
Size of Tract 6.1 acres
Number of Lots: 1
Present Zoning: A-1 (Agricultural)
Comp Plan: Level 1 (Rural Residential)

BACP 131A is a request to change the Comprehensive Plan designation from Level 1 (Rural Residential) to Level 3 (Transition Area). The 6.1-acre property is located north of Washington Street (91st Street), one-quarter mile west of 9th Street (177th E. Avenue). The property, which is unplatted, is currently zoned A-1 (Agricultural).

On June 21, 1982, the property that is the subject of this request was rezoned from R-1 (Residential, Single-family) and A-1 (Agriculture) to R-5C (Multifamily) now converted to RM with the 2008 Zoning Ordinance update and was designated as Level 3 in the Comprehensive Plan. At the time the property was rezoned, it included the property to the east for a total of 11.69 acres. Later, a little over five acres on the east side of the property was split and sold for a single-family residence leaving 6.46 acres.

On January 21, 2014, the City Council conditionally approved a Comprehensive Plan amendment (BACP-131) to change the land use designation for a 6.46-acre site from Level 3 (Transition Area) to Level 1 (Rural Residential). Also approved was a request to rezone the property (BAZ-1900) from RM (Residential, Multifamily) to A-1 (Agriculture), and a Specific Use Permit (SP-273) for horticultural nursery sales. The conditions of approval included platting the property, paving the surface parking lot and associated driveway, submitting a site plan showing the parking lot, associated drives, fire lane and any new buildings. Fire hydrants were to be installed, and a five-foot-wide sidewalk constructed along Washington Street.

Several conditions of approval were not met, and staff reached out to work with the property owner in an attempt to resolve the outstanding items. An agreement was made to waive the platting requirement in exchange for dedication of right-of-way and a utility easement. In July 2014, the applicant dedicated 60 feet of right-of-way and a utility easement along the Washington Street frontage of the property. A payment plan was agreed upon for payment of a sidewalk escrow fee. Paving the parking area and drive aisle was not completed. The owner intends to sell the property and is requesting this Comprehensive Plan amendment to market the property for a different use. Staff anticipates receiving a rezone request soon to return the site to the previous RM (Residential Multifamily) zoning.

With BACP-131A, applicant requests approval to amend the Comprehensive Plan land use designation from Level 1 (Agricultural) to Level 3 (Transition Area). While a draft Planned Unit Development document has not been submitted with this request, staff anticipates receiving a rezoning request should the Comprehensive Plan amendment be approved. Should these requests be approved, the Specific Use Permit (SP-273) for horticultural nursery sales will need to be abrogated.

A blue line stream is located on the site. The area across the street to the south of Washington Street has been mapped as 100-year floodplain. Staff anticipates that a study of this project site will result in some areas of floodplain on the site. City utilities are available to serve the site.

The following table shows the maximum potential amount of multifamily dwelling units (DU) based on gross area of the site. In actuality, not all of the site is developable. Once the floodplain is mapped and the actual developable area is identified, a more accurate amount of potential dwelling units can be determined.

Gross Area	Area Allocated per Dwelling Unit (DU)	Maximum Number of Dwelling Units (DU)	Dwelling Units per acre (DU/acre)
6.1 acres (265,716 SF)	2,200 SF/DU	121	19.8

SURROUNDING LAND USES/ZONING/COMPREHENSIVE PLAN

The surrounding properties contain the following uses, along with the following development guide and zoning designations:

Location	Comprehensive Plan	Zoning	Land Use
North	Level 2 and 3	A-1, R-3	Single-family residences
East	Level 3	A-1, RM	Single-family residence, Vacant land
South	Level 2 and 3	A-1, RS-3	Washington Street, Single-family residences
West	Level 3 and Greenway/Floodplain	A-1	Single-family residences

Attachments: Case Map
Aerial
FEMA Map
USGS Topographic Map
2013 Alta Survey
BACP-131, BAZ-1900 and SP-273 Documents

Recommendation:

Based upon the location of the property, the existing and surrounding land uses, surrounding designations in the Comprehensive Plan's future development guide, Staff recommends approval of BACP-131A, subject to the following conditions of approval.

1. Rezoning of the property from A-1 (Agriculture) to RM (Residential, Multifamily).
2. The property shall be platted in accordance with the Land Subdivision Code and the Engineering Design Criteria Manual including dedication of required rights-of-way and utility easements.
3. Applicant to map the limits of the FEMA floodplain. Areas identified as floodplain shall be zoned FD (Floodplain) in conjunction with the future rezoning request.
4. Applicant to abrogate SP-273 in conjunction with a future rezoning request for the property.

Reviewed by: Jill Ferenc

Approved by: Larry R. Curtis

JMW