



City of Broken Arrow

Request for Action

File #: 20-1170, **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-170 (Comprehensive Plan Change), Level 2 (Urban Residential), Level 3 (Transition Area) and Level 4 (Commercial/Employment Nodes) to an increased amount of Level 2 and Level 3 and decreased amount of Level 4, Honey Springs at Battle Creek, 75.276 acres, PUD-94Q/A-CG (Annexed-Commercial General), A-RD (Annexed-Residential Duplex) and A-R-3 (Annexed-Single-family Residential), southeast corner of Aspen Avenue (145th E. Avenue) and Dearborn Street (41st Street)

Background:

Applicant: Tim Terral, TEP
Owner: BC Land Holding Company, LLC
Developer: BC Land Holding Company, LLC
Engineer: Tulsa Engineering and Planning
Location: Southeast corner of Aspen Avenue (145th E. Avenue) and Dearborn Street (41st Street)
Size of Tract 75.276 acres
Number of Lots: 1
Present Zoning: PUD-94Q/A-CG (Annexed-Commercial General), A-RD (Annexed-Residential Duplex), and A-R-3 (Annexed-Single-family Residential)
Comp Plan: Level 2, Level 3 and Level 4

BACP 170 is a request to change the Comprehensive Plan designation from Level 2 (Urban Residential), Level 3 (Transition Area) and Level 4 (Commercial/Employment Nodes) to an increased amount of Level 2 and Level 3 and a decreased amount of Level 4 (Commercial/ Employment Nodes) for 75.276 acres located at the southeast corner of Aspen Avenue (145th E. Avenue) and Dearborn Street (41st Street). The property, which is vacant and unplatted, is currently zoned PUD-94Q/A-CG (Annexed-Commercial General), A-RD (Annexed-Residential Duplex) and A-R-3 (Annexed-Single-family Residential).

On June 20, 1994, the City Council approved Ordinance No. 1862 to annex a tract of land (a 479-acre area of Section 27, T19N, R14E) into the corporate limits of the City of Broken Arrow with assigned “Annexed” zoning of AC-2, AR-4 and AR-3 (now converted to A-CG, A-RD and A-R-3). The 786.5-acre Battle Creek planned unit development (PUD-94) was approved by the City Council on November 16, 1995. Also approved on this date was BAZ-1236 to rezone property within the northern portion of the Battle Creek PUD (that had

been annexed from the City of Tulsa) to designations that were in accordance with the Zoning ordinance, subject to platting. For this project site, it rezoned the property from A-R3 (Annexed-Single-family Residential-3), AR-4 (Annexed-Two-family Residential) and AC-2 (Annexed-Planned Shopping Center) to R-3, R-4 and C-2, subject to platting. With the 2008 Zoning Ordinance update, these zoning designations have been converted to R-3 (Single-family Residential-3), RD (Residential Duplex), and CG (Commercial General). Some portions of north Battle Creek have been platted but the northernmost property that is the subject of this Comprehensive Plan amendment has not yet been platted. When this property is platted, the zoning designations approved with BAZ-1236 will be codified. However, the boundaries for each use area is being changed with this Comprehensive Plan amendment and with the anticipated PUD amendment and rezoning.

On January 5, 2010, the City Council approved BACP-105, an appeal of the Planning Commission action regarding a request to amend the Comprehensive Plan land use designation for 95.89 acres within PUD-94. The request involved two separate areas including 75.33 acres at the southeast corner of Aspen Avenue and Dearborn Street and 20.56 acres located north of the Broken Arrow Expressway, east of Aspen Avenue. The amendment reallocated the areas of Levels 2, 3 and 4 in the area southeast of Aspen Avenue and Dearborn Street as noted above, and it converted 11.38 acres of Level 6 (Regional Employment/Commercial) and 9.18 acres of Public Recreation to 20.56 acres of Level 3 (Transition Area). A condition of this approval required an amendment to PUD-94.

As a part of the approval of PUD-94, density limits were established for different types of housing within the development. PUD-94 allows for translocation of densities and land use areas within the project boundaries provided that the general concept and character of the PUD are not altered and the density of each tract is not increased by more than 25 percent if that density is available from other parcels (see page 35 of PUD-94). On June 7, 2010, the City Council approved PUD-94Q, a major amendment to decrease the commercial area on this site from 23.3 acres to 9.99 acres and the area that had previously been designated for villas (apartments) from 23.6 acres to 5.83 acres and amended the use of this area for patio homes. The higher density villas use was transferred to the property to the north of the Broken Arrow Expressway, east of Aspen Avenue. This amendment also increased the area for executive home sites from 28.43 acres to 59.51 acres. The approval was subject to the property being platted and in accordance with Supplemental Development Standards. With this approval, the density for the property at Aspen Avenue and Dearborn Street was decreased.

With BACP-170, applicant requests approval to modify the configuration of the areas of Levels 2, 3 and 4 due to the topography of the site and the location of existing ponds and blue line streams. In conjunction with BACP-170, applicant has submitted a draft major amendment to PUD-94 and PUD- 94Q (PUD-94W). The forthcoming PUD amendment and plat will address any required right-of-way and utility easement dedications. All major utilities are available in other phases of the Battle Creek subdivision and will need to be extended to serve this area. The topography slopes downhill to the north posing a challenge to serve this area of the site; thus, a sewer lift station will likely be needed to serve this area.

The following analysis of housing types in the Battle Creek PUD includes only those housing types associated with this area near Aspen Avenue and Dearborn Street.

Battle Creek Statistical Analysis from Approved PUD-94			
Residential Units	Total Area	Dwelling Units (DU)	Dwelling Units per acre (DU/acre)
Executive Home Sites (Level 2)	161.6 gross acres 143.4 net acres	686	4.25
Patio Homes (Level 3)	38.9 gross acres 35.5 net acres	331	8.50
Villas (Level 3)	64.0 gross acres 57.3 net acres	1,056	16.5
Maximum allowable dwelling units		2,779	3.53 (Average)

As shown in the following table, the density proposed with patio homes is significantly less than the originally approved villas at this location. Staff has determined that density is decreased in this location with the overall increase in single-family units.

Proposed Residential Density with PUD-94V Major Amendment				
Land Use Area	Current Area	Proposed Area	Number of Units	Dwelling Units per acre (DU/acre)
Executive Home Sites (Level 2)	59.53 acres	62.17 gross acres 49.95 net acres	190	3.80
Patio Homes (Level 3)	5.83 acres	8.61 gross acres 5.87 net acres	50	8.52
Commercial (Level 4)	9.99 acres	4.50 gross acres 2.92 net acres		
Open Space/Park		13.32 gross acres		
		Total proposed housing units	240	4.30 DU/acre (Average)

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	City of Tulsa	CS, RM-2, RS-3	Dearborn Street, Single-family residential and vacant land beyond
East	City of Tulsa	AG	Undeveloped land
South	Level 2	R-3/PUD-94	Single-family residential
West	City of Tulsa	AG	Aspen Avenue, Vacant land beyond

Attachments: Case Map
Aerial
Proposed Comprehensive Plan Exhibit
Conceptual Site Plan and Development Areas
Draft PUD Amendment
Approved PUD-94
Approved PUD-94Q

Recommendation:

Based upon the location of the property, the existing and surrounding land uses, Staff recommends approval of BACP-170, subject to the following conditions of approval.

1. Approval of the rezoning of the property from “Annexed” zoning designations to those that are in conformance with the current Zoning Ordinance, and approval of a major amendment to PUD-94 and PUD-94Q.
2. The property shall be platted in accordance with the Land Subdivision Code and the Engineering Design Criteria Manual including the dedication of required rights-of-way and utility easements.

Reviewed by: Jill Ferenc

Approved by: Larry R. Curtis

JMW