



City of Broken Arrow

Legislation Details (With Text)

File #: 17-1737 **Name:**
Type: General Business **Status:** Passed
File created: 1/13/2017 **In control:** Broken Arrow City Council
On agenda: 2/7/2017 **Final action:** 2/7/2017
Title: Consideration, discussion, and possible approval of Comprehensive Plan Change request, BACP-159, Muhich Tract, 50.13 acres, Level 3 to Level 6, one-half mile east of Evans Road, one-quarter mile south of Kenosha Street

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1- PLANNING COMMISSION PUBLISHED FACT SHEET, 2. 2-CASE MAP.BACP-159, 3. 3-AERIAL.BACP 159, 4. 4-COMP PLAN.BACP 159., 5. 5-DRAFT PUD.BACP 159, 6. 6-CASE HISTORY MAPS, 7. 7-PDF SUBMITTED TO PLANNING COMMISSION.pdf

| Date | Ver. | Action By | Action | Result |
|----------|------|---------------------------|----------|--------|
| 2/7/2017 | 1 | Broken Arrow City Council | approved | Pass |

**Broken Arrow City Council
Meeting of: 02-07-2017**

To: Mayor and City Council Members
From: Development Services Department
Title:

Consideration, discussion, and possible approval of Comprehensive Plan Change request, BACP-159, Muhich Tract, 50.13 acres, Level 3 to Level 6, one-half mile east of Evans Road, one-quarter mile south of Kenosha Street

Background:

BACP 159 is a request to change the Comprehensive Plan designation on 50.13 acres from Level 3 (Transition Area) to Level 6 (Regional Employment/Commercial). This property is located one-half mile east of Evans Road, one-quarter mile south of Kenosha Street, and is presently zoned A-1 (Agricultural). Part of the north part of the property associated with BACP-159 was rezoned to CH via, BAZ-1727 that was approved by the City Council on September 5, 2006, subject to platting. This portion of property was never platted; therefore, the zoning remains A-1.

According to the applicant, about halfway between Kenosha Street and the southern boundary of the property associated with BACP-159, is a former landfill, leased by the City of Broken Arrow. In addition, this area was used for strip coal mining operations in the 1920s, 1930s, and later in the 1960s. This area, as well as the entire site, is regulated by the Department of Environmental Quality (DEQ) and will require approval from DEQ before any development activities occur on the site.

If BACP 159 is approved, applicant intends to seek to change the zoning on the property to IL (Industrial Light). IL is in accordance with the Comprehensive Plan in Level 6 when done in conjunction with a PUD (Planned Unit Development). A draft PUD has been submitted for informational purposes only. Within this

draft PUD, is an exhibit titled “Brownfield Program Tract Map”. The DEQ Brownfield Program assisted the existing property owner in reviewing the environmental concerns of the subject property. The draft PUD, which is for 71.94 acres, divides this property into seven tracts (Tracts A through G). A cul-de-sac type street is proposed to be constructed in a north/south direction through the center of the property.

The Planning Commission, in their meeting of January 12, 2017, reviewed and recommended approval (5-0 vote) of BACP-159, subject to the conditions recommended by Planning Commission and Staff. Several people spoke against this project, voicing concerns regarding drainage into surrounding housing areas, radiation and toxicity leakage into the drainage system, and if DEQ studies have been conducted and reports provided.

Staff recommends that the Council approve BACP-159, a request to change the Comprehensive Plan designation on this property from Level 3 (Transitional Area) to Level 6 (Regional Employment/Commercial), subject to the property being platted and a PUD being submitted that is similar in context to the draft PUD submitted. Staff does have comments on the draft PUD that they will continue to work with the applicant to address. Comments by Staff, however, do not change the overall concept portrayed in the draft PUD.

Cost: \$0

Prepared By: Amanda Yamaguchi, Staff Planner

Reviewed By: Development Services Department
Assistant City Manager, Operations
Legal Department

Approved By: Michael L. Spurgeon, City Manager

Attachments: BACP-159 Fact Sheet from Planning Commission
Case Map
Aerial Photo
Comprehensive Plan
Draft PUD
Case History Maps
PDF submitted to Planning Commission by Mary Ann Colston

Recommendation:

Approve BACP-159, subject to the property being platted and a PUD being submitted that is similar in context to the draft PUD submitted.