



City of Broken Arrow

Request for Action

File #: 20-1332, **Version:** 1

Broken Arrow Planning Commission
10-22-2020

To: Chairman and Commission Members
From: Development Services Department
Title:

Consideration and possible action regarding PT20-115, preliminary plat, Estates at Lynn Lane, 68.30 acres, 255 Lots, R-2 to PUD-315/RS-3, located one-quarter mile north of New Orleans Street (101st Street), east of 9th Street (177th E. Avenue/Lynn Lane Road)

Background:

Applicant: Erik Enyart, Tanner Consulting, LLC
Owner: Memorial Drive, LLC & Oklahoma Land Investments Company, LLC
Developer: The Lakes at Rabbit Run, LLC
Engineer: Memorial Drive, LLC & Oklahoma Land Investments Company, LLC
Location: One-quarter mile north of New Orleans Street (101st Street), east of 9th Street (177th E. Avenue/Lynn Lane Road)
Size of Tract 68.30 acres
Number of Lots: 255 proposed
Present Zoning: R-2 to PUD-315/RS-3
Comp Plan: Level 2

PT20-115, the preliminary plat for the Estates at Lynn Lane, contains 68.30 acres with 255 proposed lots. The property, which is presently zoned R-2, is located one-quarter mile north of New Orleans Street (101st Street), east of 9th Street (177th E. Avenue/Lynn Lane Road).

Since the property associated with the Estates at Lynn Lane was annexed in 1983, there have been four rezoning requests (BAZ 901, BAZ 961, BAZ 1786, and BAZ-1984), two PUD requests (PUD 38 and PUD-315), and a decree by District Court (Case No. C-83-3081). On April 12, 1983, an application (BAZ 901) was made to change the zoning on this property from A-1 to R-3. The Planning Commission reviewed this application on May 12, 1983, and recommended denial of R-3 zoning, but recommended approval of R-2 zoning. On May 16, 1983, the City Council further modified the request and approved R-1 zoning designation only. Ordinance 1105, which changed the zoning on the property from A-1 to R-1, was approved by the City Council on June 6, 1983.

On July 14, 1983, a Planned Unit Development (PUD-38), Silver Ridge Park, was submitted to accommodate approximately 202 single-family units and a 13.30-acre open space for the area associated with BAZ 901. With PUD 38, the underlying zoning was requested to be R-1. The Planning Commission recommended approval of

PUD 38 with several conditions; however, the City Council denied this request in their meeting of July 18, 1983. Applicant requested that their application be reheard by the City Council. PUD-38 was denied again by the City Council on September 6, 1983.

On February 27, 1984, an application (BAZ 961) was filed to change the zoning on the property from R-1 to R-2. This rezoning request was reviewed and denied by the Planning Commission on March 22, 1984.

In the Staff report for BAZ 961, it was noted that a lawsuit had been filed against the City of Broken Arrow regarding the denial of R-2 zoning and PUD 38. The hearing was scheduled to occur on April 12, 1984.

In District Court, it is was ruled with Case No. C-83-3081 that the zoning on the property should be R-2. On July 16, 1984, the City Council approved Ordinance 1257 to change the zoning on the property from R-1 to R-2.

On October 8, 2007, an application (BAZ 1786) was made to change the zoning on the property from R-2 to RS-2. This application was approved by the City Council on December 3, 2007, subject to the property being platted. The property has not been platted. As a result, the zoning remains R-2.

On October 3, 2017, BAZ-1984, a request to change the zoning on this property from R-2 to RS-3 was approved by the City Council. BAZ-1984 was approved subject to the property being platted. The property has not been platted, so the zoning today remains R-2.

On September 15, 2020, the City Council approved PUD-315 on the property associated with this preliminary plat. With PUD-315, applicant requested to keep the RS-3 zoning classification approved with BAZ-1984 and add PUD-315 as an overlay. PUD-315 was approved subject to the property being platted.

With PUD-315, the minimum lot width was reduced from 60 feet to 55 feet, minimum lot size was reduced from 7,000 square feet to 6,500 square feet, and on lots with no vehicular access, the building line setback was established at 20 feet. PUD-315, however, also stipulated that at least 60% of the lots within the PUD would meet the minimum lot size, lot width, and building setback requirements of the RS-3 district. PUD-315 also required a 10-foot wide landscape reserve area adjacent to 9th Street.

The primary access to the property will be from 9th Street. There are also four streets (S. 13th Street, S. 16th Street, E. 96th Street, and E. Jacksonville Place) that stub into the property. These stub streets are intended to be connected in accordance with Comprehensive Plan policy M15. S. 13th Street and S. 16th Street are part of the Washington Lane addition to the north, which is part of PUD-135 and subsequent amendments. The Concept Plan for PUD-135 showed two streets connecting to the south boundary of the property. In addition, PUD-135 proposed to have a pedestrian trail system along the south and east boundaries of Washington Lane. When Washington Lane II was platted, it showed a 20-foot wide Reserve Area between the south property line and S. 13th Street. When Washington Lane IV was platted, S. 16th Street was shown to extend to the south property line. The preliminary plat for Washington Lane IV had initially shown a 20-foot wide unplatted area along the south boundary. In a June 14, 2005, letter, the developer stated, "Our intentions were to plat these areas with a later phase to ensure the timing of developing in these areas (e.g. trail systems) would be by the developer's timing and not as directed by the City of Broken Arrow." They subsequently agreed to extend the street right-of-way to the south property line. As a result, S. 16th Street extends to the south property, but there is a 20-foot wide gap between the property line and the street right-of-way on S. 13th Street. The right-of-way for 13th Street for the Estates at Lynn Lane is shown to extend to the north property line.

When BAZ-1984 was being heard by the Planning Commission on September 14, 2017, residents on S. 96th Street expressed concern about connections being made to their street. Their street, which is straight for a half mile, was constructed in Tulsa County prior to being annexed into the City Limits of Broken Arrow. S. 96th Street presently serves a large lot single family detached neighborhood. If connected, S. 96th Street would be a half mile straight thoroughfare for residents in the addition associated with this PUD as well as the Washington Lane addition to the north. The Planning Commission had acknowledged that when the plat associated with BAZ-1984 was submitted they would look at limiting access to E. 96th Street. With PUD-315, applicant has stated that the connection to E. 96th Street will be gated if permitted by the Broken Arrow Fire Code and will be used only during emergencies.

Ninth Street is proposed to be expanded as part of the 2018 GO Bond package. The timeline for expanding this street has not been determined yet.

Water and sanitary sewer service will be provided by the City of Broken Arrow. According to the FEMA maps, a portion of the property is in the 100-year floodplain of the West Branch of Broken Arrow Creek. There is a pond and a drainage channel that passes through the southwest corner of the property. According to the topographic information provided by the applicant, most of the property drains into this existing pond. This area is shown on the preliminary plat as Reserve C and contains an overland drainage easement. According to the covenants, the maintenance of Reserve C is the responsibility of the owner of the lot.

The conceptual utility plan shows a well on Lot 13, Block 7 and on Lot 1, Block 9. No information has been provided as to what kind of wells these are and these wells are not shown on the preliminary plat. If these are oil or gas wells, more information needs to be provided in accordance with City, State, and Federal requirements, and the location of these well need to be indicated on the plat.

The City Council requested as part of their approval of PUD-315 that surrounding property owners be notified whenever a plat was submitted. Staff has sent a notice to the same property owners notified when PUD-315 was submitted. A copy of the preliminary plat submitted on September 28, 2020, was attached. This plat showed the Estates at Lynn Lane to be developed in three phases. After the notice was mailed, another preliminary plat was submitted that showed the property to be developed in two phases. The change in phasing was the only change between the two plats.

Attachments: Checklist

- Preliminary plat submitted October 14, 2020 and Conceptual Engineering plan
- Approved PUD-315 design statement
- PUD-135 Washington Lane approved design statement
- Washington Lane II recorded plat
- Washington Lane IV recorded plat
- Washington Lane IV preliminary plat.05-20-2005
- Washington Lane IV preliminary plat.06-24-2005
- Letter from Eric Anderson.06-14-2005
- Letter from Eric Anderson.06-27-2005
- Comprehensive Plan Policy M15
- Excerpt from September 15, 2020, City Council minutes pertaining to PUD-315
- Preliminary plat notice sent to surrounding property owners

Recommendation:

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Staff recommends PT20-115, preliminary plat for the Estates at Lynn Lane, be approved, subject to the attached checklist.

Reviewed By: **Jill Ferenc**

Approved By: **Larry R. Curtis**

BDM