



# City of Broken Arrow

## Legislation Details (With Text)

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<b>Type:</b>	Public Hearings	<b>Status:</b>	Agenda Ready
<b>File created:</b>	5/31/2019	<b>In control:</b>	Broken Arrow City Council
<b>On agenda:</b>	6/17/2019	<b>Final action:</b>	
<b>Title:</b>	A public hearing and consideration, discussion, and possible action regarding PUD-288 (Planned Unit Development) and BAZ-2024 (Rezoning), Village at 1Eleven, 28.95 acres, A-1 (Agricultural) to CM (Community Mixed-Use) and RS-4 (Single-Family Residential)/PUD-288 (Planned Unit Development), located at the northwest corner of Florence Street (111th Street) and Aspen Avenue (145th E Avenue)		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. 2-CASE MAP, 2. 3-Aerial, 3. 4-Comprehensive Plan, 4. 5-PUD-288 Revised Design Statement and Exhibits, 5. 6-Presentation from resident at the April 11th Planning Commission meeting, 6. 7-Presentation from resident at the May 9th Planning Commission meeting, 7. 8-Clarification Map of Use Locations, 8. 9-Petition of Protest PUD-288, 9. 10-Radius Map of Petition Signatures Revised		
<b>Date</b>	<b>Ver.</b>	<b>Action By</b>	<b>Action</b>
			<b>Result</b>

### Broken Arrow City Council Meeting of: 06-17-2019

#### Title:

A public hearing and consideration, discussion, and possible action regarding PUD-288 (Planned Unit Development) and BAZ-2024 (Rezoning), Village at 1Eleven, 28.95 acres, A-1 (Agricultural) to CM (Community Mixed-Use) and RS-4 (Single-Family Residential)/PUD-288 (Planned Unit Development), located at the northwest corner of Florence Street (111th Street) and Aspen Avenue (145th E Avenue)

#### Background:

Planned Unit Development (PUD)-288 and BAZ-2024 involve a 28.95 acre undeveloped tract located at the northwest corner of Florence Street (111th Street) and Aspen Avenue (145th E Avenue). Applicant is requesting that the zoning on the unplatted property be changed from A-1 (Agricultural) to CM (Community Mixed-Use) and RS-4 (Single-Family Residential) with PUD-288.

Village at 1Eleven is a proposed mixed-use development consisting of commercial and residential uses. Access to this development is proposed to be from two primary points of access off of Florence Street (111th Street) and two primary points off of Aspen Avenue (145th E Avenue).

Development Area A is a mixed-use area consisting of retail/commercial spaces and residential flats (apartments or multi-family). This area is designed to provide connectivity between retail and residential uses. The number of multi-family units in this development is limited to 195 per the PUD. Without the limit on the number of units proposed in PUD-288, this property could be developed with approximately 265 units and be in conformance with the zoning ordinance.

Development Area B is proposed to be developed into 75 lots of single-family residential housing. Per the RS-4 zoning standards, up to 80 residential lots would be permitted however, with PUD-288 the applicant is restricting the number of lots to 75. Amenities for this development include a pocket park, ponds and a club house. These amenities are proposed to be shared with residents of Development Area A.

PUD-288 is proposed to be developed in accordance with the CM and RS-4 development standards with the following modifications:

#### Development Area A

- Uses permitted by right in the CM zoning district including, but not limited to: multi-family dwellings, restaurants without drive-thru, general retail, office, convenience store with gas sales, and customary accessory to permitted uses. Excluded uses include pawn shops, medical marijuana dispensaries, bail bonding, and check casher/payday lenders.
- Minimum lot size is 3 acres, lots can be reduced to 1 acre in size subject to lot split approval
- Minimum lot coverage is reduced from 50% to 30% to be built out over time
- No minimum or maximum setbacks are proposed except for 10-foot minimum setbacks against the west and north boundaries
- Landscaping is proposed to be in accordance with the zoning ordinance
- A shared park and clubhouse is to be located and shared between Development Areas A and B
- Pedestrian connections will be provided to connect adjacent lots and Development Areas A and B.
- Multi-Family development shall be limited to 195 units.

#### Development Area B

- Uses permitted by right in the RS-4 zoning district including, but not limited to: single-family detached housing and uses customarily accessory to permitted uses
- Maximum number of lots is 75
- Minimum lot frontage is reduced from 55-feet to 50-feet
- Maximum lot coverage is increased from 50% on interior lots and 60% on corner lots to 60% on interior lots and 70% on corner lots
- Maximum building height shall be in accordance with the zoning ordinance except that architectural features such as chimneys and cupolas may extend to a maximum height of 45-feet. No habitable portion of any dwelling shall exceed the 35-foot limitation
- Front setbacks are reduced from 20-feet to 15-feet for the main building façade. The 20-foot setback requirement remains for garage structures.
- Rear yard setbacks remain at 20-feet for primary residences and alley loaded detached garages. This setback is reduced to 17.5-feet for detached garage accessory buildings that area not non-alley loaded
- Side yard setbacks remain at 5-feet for primary residences and 5-feet for detached garage accessory buildings.
- Streets within this development area are proposed to be private and built to Broken Arrow standards for minor residential streets. Private streets may have reduced right-of-way. Boulevard style entrance features and landscaping are to be maintained by a mandatory homeowners' association. Gate requirements shall meet the requirements for the Broken Arrow Zoning Ordinance and the fire code. No street connection shall be made to South Beech Place in the Aspen Park neighborhood to the north unless required by fire code.
- Each residential lot shall be permitted on accessory dwelling unit (ADU) with a full kitchen. ADU's shall comply with all setback and area regulations of the zoning code and PUD.

- Subdivision entrance signs shall be a maximum of 8-feet in height and 32 square feet in size. Signage serving residential neighborhood amenities shall be permitted within reserve areas containing neighborhood amenities and shall be a maximum of 8-feet in height and 32 square feet in size. Signage shall otherwise comply with the Broken Arrow Zoning Code.

#### 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 2	R-2	Single-Family Residential
East	Level 4	CG	Undeveloped
South	Levels 1 & 4	RE & A-1	Single-Family Residential & Undeveloped
West	Level 3 & Public/Semi Public	A-1	Single-Family Residential & Aspen Creek Elementary School

According to the FEMA Maps, none of this property is located in the 100 year floodplain. Water and sanitary sewer service is available from the City of Broken Arrow.

The property associated with PUD-288 and BAZ-2024 is shown in the Comprehensive Plan as Level 3 and 4. The CM zoning in Level 4 and the RS-4 zoning in Level 3 requested with BAZ-2024 and incorporated into PUD-288 is considered to be in conformance with the Comprehensive Plan in Levels 3 and 4.

Florence Street (111th Street) is currently a two-lane road where it fronts the proposed development. The widening of Florence Street is a city project that is currently underway and is expected to be completed towards the middle of 2021. New engineering designs propose Florence to be widened to 5 lines between Aspen Avenue and the Broken Arrow Public Schools to the west. West of the schools, the road is proposed to narrow to three lanes until reaching Olive Avenue. The road widening is independent of the proposed development associated with PUD-288.

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, infrastructure and land use compatibility.

In Staff's opinion, PUD-288 satisfies items 1, 2, 4, and 5 of Section 6.4.A of the Zoning Ordinance.

(1) Applicant is restricting the number of multi-family units to 195, when approximately 265 units would be allowed by the zoning ordinance. Lots in the single-family residential portion of the development are restricted to 75 lots, from the 80 that would be permitted by straight RS-4 zoning. Allowed uses in the commercial area being restricted to help ensure neighborhood compatibility.

(2) The proposed development uses the natural features of the lower areas around Aspen creek to be utilized as an open space between the development and Aspen Avenue. The development provides commercial opportunities and the PUD included recreation facilities for the use of the residents in both the single-family and the mixed-use development.

(4) Open space is being maintained on the east side of the property along Aspen Avenue, as a buffer between the single-family and commercial areas, and as a community park at the northwest corner of the development. The applicant has voluntarily provided an additional 10-foot buffer between uses to the north and west boundaries of Development Area A.

(5) The uses and zoning included with the proposed development meet the requirements of the Comprehensive Plan. Additional requirements placed on this development by PUD-288 adds additional features that are beneficial to the future residents, as well as the surrounding properties. The addition of retail and commercial opportunities in south Broken Arrow supports overall public objectives.

This item was considered by the Planning Commission on April 11, 2019. Residents from the surrounding neighborhoods voiced concerns about the development. At the request of the applicant, the Planning Commission continued this item to the May 9th meeting to give the developer time to meet with neighboring property owners. A meeting was held on April 23rd, 2019 by the home owners. Since that meeting, the applicant has met with Staff and modified the PUD to excluded uses including pawn shops, medical marijuana dispensaries, bail bonding, and check casher/payday lenders from the commercial portion of the development. The stub street connecting to the neighborhood to the north that was proposed in the original PUD, heard on April 11th, has been removed and the number of apartments has been limited to 195.

In the Planning Commission meeting of May 9<sup>th</sup>, two Commissioners voted for approval, two Commissioners voted against the approval, and one Commissioner recused from the discussion and vote, resulting in a defacto denial of PUD-288 and BAZ-2024. Seven residents spoke in opposition to this development citing concerns including traffic, public safety, property values, compatibility with surrounding neighborhoods, and impacts to the neighboring schools.

Prior to the Planning Commission meeting of May 9<sup>th</sup>, residents within the 300-foot notification radius and surrounding neighborhoods submitted an official protest to this development. Analysis of this petition represented 96 individual lots. 19 of these lots are in the 300-foot notification radius, representing 25% of the land area within the notification radius.

Based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-288 and BAZ-2024 be approved, subject to the property being platted.

**Cost:** \$0

**Funding Source:** None

**Requested By:** Larry R. Curtis, Acting Development Services Director

**Approved By:** City Manager Office

**Attachments:** Case map  
Aerial photo  
Comprehensive Plan  
PUD-288 Revised Design Statement  
Presentation from resident at the April 11th Planning Commission meeting  
Presentation from resident at the May 9th Planning Commission meeting  
Clarification Map of Use Locations  
Petition of Protest PUD-288  
Radius Map of Petition Signatures

**Recommendation:**

Approve PUD-288 and BAZ-2024 subject to the property being platted.