



# City of Broken Arrow

## Legislation Details (With Text)

<b>File #:</b>	19-928	<b>Name:</b>	
<b>Type:</b>	Public Hearings	<b>Status:</b>	Agenda Ready
<b>File created:</b>	7/22/2019	<b>In control:</b>	Planning Commission
<b>On agenda:</b>	8/8/2019	<b>Final action:</b>	8/8/2019
<b>Title:</b>	Public hearing, consideration, and possible action regarding PUD-290A (Planned Unit Development), a minor amendment to PUD-290, Riverbrook Apartments, 14.56 acres, RM to PUD-290A/RM, located one-half mile south of Jasper Street (131st Street), east of Aspen Avenue (145th East Avenue)		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. 2-CASE MAP.PUD-290A, 2. 3-AERIAL PHOTO, 3. 4-PUD-290A DESIGN STATEMENT, 4. 5-PUD-290 APPROVED BY THE CITY COUNCIL, 5. 6-PRELIMINARY PLAT SUBMITTED TO THE PLANNING COMMISSION		

Date	Ver.	Action By	Action	Result
8/8/2019	1	Planning Commission		

### Broken Arrow Planning Commission 08-08-2019

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

**Public hearing, consideration, and possible action regarding PUD-290A (Planned Unit Development), a minor amendment to PUD-290, Riverbrook Apartments, 14.56 acres, RM to PUD-290A/RM, located one-half mile south of Jasper Street (131st Street), east of Aspen Avenue (145th East Avenue)**

#### Background:

**Applicant:** Patrick D. Rooney, Bohanon & Rooney Ventures, LLC  
**Owner:** Bohanon & Rooney Ventures, LLC  
**Developer:** Bohanon & Rooney Ventures, LLC  
**Engineer:** Anderson Engineering, Inc.  
**Location:** One-half mile south of Jasper Street (131st Street), east of Aspen Avenue (145th East Avenue)  
**Size of Tract:** 14.56 acres  
**Present Zoning:** RM  
**Proposed Zoning:** PUD-290A/RM (PUD-290 approved subject to platting)  
**Comp Plan:** Greenway/Floodplain

Planned Unit Development (PUD) 290A involves a 14.56 acre parcel located one-half mile south of Jasper

Street (131st Street), east of Aspen Avenue (145th East Avenue). Applicant is requesting a minor amendment to PUD-290 to modify the fence requirement along Aspen Avenue.

The property is presently zoned RM (Residential Multifamily). The RM zoning on the property was approved by the City Council on January 17, 1972, as part of BAZ-308, which was part of four rezoning applications in the area. On January 20, 1972, Ordinance 416 was approved by the City Council that changed the zoning on the property from R-1 to R-5. On February 1, 2008, the Zoning Ordinance was updated and the R-5 district was changed to RM. On June 3, 2019, the City Council conditionally approved PUD-290, subject to the property being platted, site plan being brought to the City Council for presentation before approval, and Phase II limited to a maximum of 95 units. A preliminary plat was submitted to and approved by the Planning Commission on July 25, 2019, subject to an attached checklist.

Applicant is interested in developing an apartment project on the property. The development is proposed to occur in two phases. The first phase, Lot 1, Block 1, which consists of 6.73 acres, will contain 72 total units (28 one bedroom units, 22 two bedroom units, and 22 three bedroom units). According to PUD-290, the total number of units in the second phase, Lot 2, Block 2, which contains 6.85 acres, is limited to 95.

With PUD-290A, applicant is requesting a minor amendment to PUD-290. According to Section 5.2.E.2.a of the Zoning Ordinance, “All residential uses that abut any arterial or collector street or highway shall install and maintain fences that comply with this Section on the side(s) of the property that abut such street or highway. The fences shall be at least six (6) feet in height, and a maximum of eight feet (8’) in height if adjoining a highway.” Section 5.2.E.3.d of the Zoning Ordinance goes on to say, “Where fencing is required by this ordinance such fencing and walls shall be opaque and shall be constructed of durable, easily maintained materials such as, but not limited to, masonry, vinyl, or treated, stained or painted wood sections. Chain link, wire mesh, or other similar products shall be prohibited.” With PUD-290A, applicant is requesting that instead of opaque fencing along the west boundary next to Aspen Avenue, that they able to install an architectural metal fence equal to “American Majestic” 3 rail, eight foot long, six foot high galvanized steel, black finish with six foot high masonry columns every 40 feet column to column. In addition, landscaping with berms shall be added next to and on both sides of the fencing. All landscaping and fencing will be on the apartment property. A detail of the proposed fencing and column has been provided with the design statement submitted with PUD-290A. This is the only change being requested to PUD-290.

With a minor amendment, the Zoning Ordinance only requires that the abutting property owners be notified. With PUD-290A, applicant submitted the same radius report list that was used with PUD-290, which resulted in the notification of 277 property owners, instead of the approximately 17 required by the Zoning Ordinance.

#### 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/East	Level 2, private recreation, and greenway floodplain	RM and R-2	Multifamily, private golf course, and Indian Springs Estates addition.

South	Public Recreation	R-2	Indian Springs Soccer complex
West	Level 2	R-2, R-3, and RD	Undeveloped and Willow Springs addition.

Water and sanitary sewer service will be provided by the City of Broken Arrow. With regards to the 100-year floodplain, the property was shown on the 1984 Federal Emergency Management Agency (FEMA) maps to be located entirely in the 100-year floodplain (1 percent chance of flooding). The 1999 FEMA maps continued to show the property in the 100-floodplain. In 2009, however, there was a change. The 2009 FEMA maps shows most of the property to be located in the 500-year floodplain (0.2 percent chance of flooding) with just the area along north/east boundary and part of the south boundary being located in the 100-year floodplain. While no development is allowed to occur in the 100-year floodplain, development is permitted in the 500-year floodplain. The FEMA maps prepared in 2012 and 2016 continue to show most of the property in the 500-year floodplain with just the area along the north/east boundary and along part of the south boundary being located in the 100-year floodplain. According to the Subdivision Regulations, all property located within the 100-year floodplain is required to be placed within a reserve area with the maintenance of the reserve area identified in the covenants. The preliminary plat showed the base flood elevation to be 590. The finished floor elevations for the buildings in the apartment complex are required to be at least 12 inches above the flood elevation.

**Attachments:** Case map  
Aerial photo  
PUD-290A design statement  
PUD-290 approved by the City Council  
Preliminary plat submitted to the Planning Commission

**Recommendation:**

Based upon the Comprehensive Plan, the existing zoning, the design statement and conceptual site plan submitted with PUD-290 and PUD-290A, the location of the property, and the surrounding land uses, Staff recommends that PUD-290A be approved, subject to the property being platted in accordance with the City of Broken Arrow Subdivision Regulations.

**Reviewed and approved by:** Larry R. Curtis

BDM