



# 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>	8/5/2019	<b>In control:</b>	Planning Commission
<b>On agenda:</b>	9/12/2019	<b>Final action:</b>	9/12/2019
<b>Title:</b>	Public hearing, consideration, and possible action regarding PUD-292 (Planned Unit Development) and BAZ-2034 (Rezoning), Casey's General Store, 1.77 acres, A-1 to PUD-292/CG, located on the southeast corner of Kenosha Street (71st Street) and 37th Street (209th E. Avenue)		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. 2-CASE MAP.PUD 292 & BAZ 2934, 2. 3-AERIAL.PUD 292 & BAZ 2934, 3. 4-COMPREHENSIVE PLAN FUTURE DEVELOPMENT GUIDE, 4. 5-PUD 292 DESIGN STATEMENT		

Date	Ver.	Action By	Action	Result
9/12/2019	1	Planning Commission		

### Broken Arrow Planning Commission 09-12-2019

**To:** Chairman and Commission Members  
**From:** Development Services Department  
**Title:** Public hearing, consideration, and possible action regarding PUD-292 (Planned Unit Development) and BAZ-2034 (Rezoning), Casey's General Store, 1.77 acres, A-1 to PUD-292/CG, located on the southeast corner of Kenosha Street (71st Street) and 37th Street (209th E. Avenue)

#### Background:

**Applicant:** Marni Beck, Casey's Marketing Company  
**Owner:** Armory LLC  
**Developer:** Casey's General Store  
**Engineer:** Morrison Shipley Engineers, Inc.  
**Location:** Southeast corner of Kenosha Street (71st Street) and 37th Street (209th E. Avenue)  
**Size of Tract** 1.77 acres  
**Present Zoning:** A-1  
**Proposed Zoning:** PUD-292/CG  
**Comp Plan:** Level 6

Planned Unit Development (PUD)-292 involves a 1.77 acre parcel located on the southeast corner of Kenosha Street (71st Street) and 37th Street (209 E. Avenue). In conjunction with PUD-292, applicant has submitted BAZ-2034, a request to change the underlying zoning from A-1 (Agricultural District) to CG (Commercial

General). A preliminary plat has also been submitted in conjunction with this rezoning request.

Casey's General Store is proposing to construct a convenience store on the property. One point of access is proposed to Kenosha Street and one point of access is proposed to 37<sup>th</sup> Street. The access points, which will be shared with the adjacent property to the east and to the south, meet the spacing requirements of the Zoning Ordinance.

Casey's General Store is proposed to be developed in accordance with the City of Broken Arrow Zoning Ordinance and the use and development regulations of the CG district, except as summarized below.

#### SUMMARY OF DEVIATION FROM THE BROKEN ARROW ZONING ORDINANCE

Item	Broken Arrow Zoning Ordinance	PUD-292 Request
Minimum Front Building Setback (Kenosha Street and 37 <sup>th</sup> Street)	50 feet	40 feet
Minimum Side Yard Setback from east and south boundaries	From an abutting residential or A-1 district: 50 feet	20 feet
Masonry Materials	Vertical exterior that face a public street are to consist of masonry, concrete panels, glass block, glass curtain walls, EIFS, or stucco. There are no requirements on sides not facing a street.	All four sides of the building will consist of masonry materials. In addition, canopy columns will be wrapped in brick. The dumpster will have brick walls along with wood gates. The HVAC units will be screened with a metal parapet that matches the color of the proposed building façade materials.
Perimeter screening	An opaque fence of at least 8 feet in height is required when commercial property abuts property with A-1 zoning.	The abutting property is designated as Level 6 in the Comprehensive Plan recently adopted by the City Council. Since nonresidential uses are foreseen abutting the property, no opaque screening is required with PUD-292.

Freestanding Signs	Up to 30 feet in height and up to 500 square feet with multiple users and 300 square feet for a single user. However, no signs shall be located within 50 feet of any residentially zoned district. Any sign located within 50 feet to 100 feet of a residentially zoned district shall be limited to 8 feet in height and 64 square feet. No flashing, twinkling, or animated sign shall be located within 20 feet of the right of way line or within 200 feet of a designated residential district. Any sign within 200 feet of a residential district is limited to 300 square feet.	One proposed freestanding sign. Sign is limited to 15 feet in height, 120 square feet in size, and will have a brick base.
Sidewalks	5 feet in width, located one foot from the property line in the street right-of-way.	Because of gas marker signs, power poles, a telephone substation, and other potential obstacles, a 5-foot wide sidewalk will be located on the property and not in the street right-of-way. As part of the platting process, a sidewalk easement will be provided.
Parking	One space per dispensing station plus one space per 200 square feet of retail space. For 5,382 square feet of retail space, 27 parking spaces would be required.	One space per dispensing station will be provided along with 22 parking spaces. Some of the parking will be located in front of the dumpster enclosure.

### 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 (2019)	Zoning	Land Use
North	Level 6	PUD-175/CG	Retail commercial and undeveloped.
East	Level 6	A-1	Undeveloped

South	Level 6	A-1	Undeveloped
West	Level 6	A-1	Undeveloped

The property associated with PUD-292 and BAZ-2034 is designated as Level 6 in the Comprehensive Plan recently adopted by the City Council. CG (Commercial General) zoning is considered to be in conformance with the Comprehensive Plan in Level 6.

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-292 satisfies items 1, 2, 4 and 5 of Section 6.4.A of the Zoning Ordinance. (1) Applicant has designed the site so that points of access are shared with abutting development thereby helping to assure compatibility with adjoining and proximate properties. The one proposed freestanding sign is limited to 15 feet in height and 120 square feet in size, which makes it compatible with the development on the north side of Kenosha Street. Applicant is requesting a slight reduction in parking spaces, but is satisfied that the amount of parking provided will meet their needs. Masonry building materials will be used around the entire perimeter of the building and on the canopy support poles, thereby creating a better appearance from the Creek Turnpike and adjacent properties. (2) Building setbacks along the street frontage to the north and west are reduced by 10 feet and along the east and south boundaries are reduced by 30 feet. In the future, the property to the east and south will more than likely be used by nonresidential uses. Reducing the building line setback allows better utilization of the site and greater flexibility. In addition, since no adjoining residential uses are foreseen in the future, an opaque screening fence will not be needed. (4) Points of access to Kenosha Street and 37<sup>th</sup> Street are shared with the adjacent properties creating a unified design with future development. (5) The public sidewalk will be located on private property, thereby avoiding obstacles in the public right-of-way and making safer pedestrian travel.

According to FEMA maps, none of the property is located in a 100-year floodplain area. Stormwater detention will occur onsite in an underground facility. Sanitary sewer service will be provided by the City of Broken Arrow, while water will be provided by Rural Water District #4.

**Attachments:** Case map  
Aerial photo

Comprehensive Plan Future Development Guide  
PUD-292 design statement

**Recommendation:**

Based upon the Comprehensive Plan, the PUD submitted with BAZ-2034, the location of the property, and the surrounding land uses, Staff recommends that PUD-292 and BAZ-2034 be approved, subject to the property being platted.

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

BDM