



# City of Broken Arrow

## Legislation Details (With Text)

<b>File #:</b>	19-1296	<b>Name:</b>	
<b>Type:</b>	Public Hearings	<b>Status:</b>	Passed
<b>File created:</b>	10/15/2019	<b>In control:</b>	Planning Commission
<b>On agenda:</b>	10/24/2019	<b>Final action:</b>	
<b>Title:</b>	Public hearing, consideration, and possible action regarding PUD-294 (Planned Unit Development) and BAZ-2036 (Rezoning), Spring Creek Plaza, 13.78 acres, CG (Commercial General) and R-2 (Single-Family Residential) to PUD-294/CH (Commercial Heavy), located south and east of the southeast corner of Tucson Street (121st Street) and Elm Place (161st East Avenue)		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. 2-CASE MAP, 2. 3-Aerial, 3. 4-PUD-294 & BAZ-2036 DESIGN STATEMENT, 4. 5-Letter of Protest from neighboring property		

Date	Ver.	Action By	Action	Result
10/24/2019	1	Planning Commission		

### Broken Arrow Planning Commission 10-24-2019

**To:** Chairman and Commission Members  
**From:** Development Services Department  
**Title:** Public hearing, consideration, and possible action regarding PUD-294 (Planned Unit Development) and BAZ-2036 (Rezoning), Spring Creek Plaza, 13.78 acres, CG (Commercial General) and R-2 (Single-Family Residential) to PUD-294/CH (Commercial Heavy), located south and east of the southeast corner of Tucson Street (121<sup>st</sup> Street) and Elm Place (161<sup>st</sup> East Avenue)

#### Background:

**Applicant:** Tim Terral, TEP  
**Owner:** Charles Gleason Palmer  
**Developer:** Charles Gleason Palmer  
**Engineer:** Tulsa Engineering & Planning Associates, Inc.  
**Location:** South and east of the southeast corner of Tucson Street (121st Street) and Elm Place (161st East Avenue)  
**Size of Tract:** 13.78 acres  
**Present Zoning:** CG and R-2  
**Proposed Zoning:** PUD-294/CH  
**Comp Plan:** Level 6 (Regional Employment/Commercial)

Planned Unit Development (PUD)-294 involves a 13.78-acre parcel located south and east of the southeast

corner of Tucson Street (121<sup>st</sup> Street) and Elm Place (161<sup>st</sup> East Avenue). The property is presently zoned CG (Commercial General) and R-2 (Single-Family Residential). In conjunction with PUD-294, applicant has submitted BAZ-2036, a request to change the underlying zoning from CG and R-2 to CH (Commercial Heavy).

BACP-47, a request to change the comprehensive plan on this property from Level 4 to Level 6 was approved by the City Council on April 21, 2003, subject to the property being platted and any changes in zoning occurring through the Planned Unit Development.

On June 16, 2003 the City Council approved BAZ-1599 and PUD-138, a request to change the zoning from C-2 (Planned Shopping Center) and R-2 (Single-Family Residential) to C-4 (Automotive Sales and Service) and C-5 (Highway and Recreational Commercial), subject to the property being platted. The property was not platted within the specified time allotted and the PUD expired. The City Council approved the abrogation of PUD-138 on February 3, 2009.

PUD-196, BAZ-1823, and SP-231 were approved by the City Council on February 17, 2009. BAZ-1823 requested to change the zoning on the property from CG and R-2 to CH. The development was proposed to have mini-storage and indoor RV storage which required a specific use permit to be approved on the property. These requests were approved subject to the property being platted but no plat was completed for the development and thus the PUD has expired.

With PUD-294, the applicant is proposing a development which contains retail, restaurant, office, indoor RV storage, and mini storage. PUD-294 is very similar in context and design with the previously approved PUD-196. The main difference being that PUD-196 proposed a street through the development, where PUD-294 designates that general area for a drainage channel. PUD-294 is also more restrictive of permitted uses in Tracts C and D. The site is proposed to be divided into 7 tracts located within the area of PUD-294 with specific uses for each tract as listed below.

Tracts A and B are designated for retail and restaurants. Uses and development regulations shall be as permitted in the CG district, by right of specific use permit. Modifications requested with PUD-294 are as follows:

- Minimum lot size is 12,000 square feet
- Minimum lot frontage is decreased from 200-feet to 100-feet
- Maximum building height is restricted to 35-feet
- Setback abutting the property north of Tract B is increased from 0-feet to 17.5-feet
- Landscape area is increased from 10-feet to 15-feet along the Elm Place and southern boundary of Tract A.
- Along the south boundary of Tract A, PUD-294 requires at least one tree per 20-lineal feet of landscape area, with at least 50 percent being evergreen.
- All freestanding signs shall be limited to 10-feet in height and contain no more than 100 square feet. All sign bases shall have a monument style base and shall be of the same material as the principle building on the lot.
- No portable signs or banners shall be placed on any of the lots or on any light poles on the lot.
- Exterior building material shall be at least 90 percent masonry material

Tracts C and D are designated for retail and restaurants. Uses and development regulations shall be as permitted in the CG district, by right of specific use permit. Modifications requested with PUD-294 are as follows:

- Minimum lot size is 12,000 square feet
- Minimum lot frontage is decreased from 200-feet to 100-feet
- Maximum building height is restricted to 35-feet; architectural elements may exceed the maximum

building height with site plan approval

- The landscape edge along the Tucson Street frontage is increased from 10-feet to 15-feet in width.
- All freestanding signs shall be limited to 10-feet in height and contain no more than 100 square feet. All sign bases shall have a monument style base and shall be of the same material as the principle building on the lot.
- No portable signs or banners shall be placed on any of the lots or on any light poles on the lot.
- Exterior building material shall be at least 90 percent masonry material

Tract E is designated for office and allowed uses and development regulations are those permitted in the ON (Office Neighborhood) district, by right or specific use permit. Modifications requested with PUD-294 are as follows:

- Maximum building height is reduced from 50-feet to 35-feet
- Building setback from the east boundary is increased from 30-feet to 50-feet
- Landscape area is increased from 10-feet to 15-feet along the Tucson Street and east boundary of Tract E.
- Along the east boundary of Tract E, PUD-294 requires at least one tree per 20-lineal feet of landscape area, with at least 50 percent being evergreen.
- All freestanding signs shall be limited to 10-feet in height and contain no more than 100 square feet. All sign bases shall have a monument style base and shall be of the same material as the principle building on the lot.
- No portable signs or banners shall be placed on any of the lots or on any light poles on the lot.
- Exterior building material shall be at least 90 percent masonry material

Tract F is designated for office warehouse. Uses and development regulations shall be as permitted in the CH (Commercial Heavy) district except as modified below.

- Permitted uses are restricted to office/warehouse. No outdoor storage shall be permitted.
- CH zoning district does not restrict building height. Through PUD-294, the maximum building height is restricted to 35-feet.
- Building setback from residential district is 50 feet
- Building setback from Tract B is increased to 30-feet
- Parking setbacks are included in PUD-294. The setback from Tract G is 0-feet, from residential boundaries and the southern boundary is 50-feet.
- A landscape buffer, 50-feet in width, shall be provided along the south and east property lines abutting the residential districts. Within the landscape buffer at least one tree shall be planted for every 20 lineal feet of landscape buffer, 50% of which shall be evergreen.
- An 8-foot opaque, wood fence shall be installed along the south and east boundaries of Tract F.
- Three parking spaces shall be provided in Tract F to meet the parking needs of Tract G
- All freestanding signs shall be limited to 10-feet in height and contain no more than 100 square feet. All sign bases shall have a monument style base and shall be of the same material as the principle building on the lot.
- No portable signs or banners shall be placed on any of the lots or on any light poles on the lot.
- No light poles shall be installed in the south 50-feet and the east 50-feet of Tract F.

Tract G is designated for RV/mini storage. Uses and development regulations shall be as permitted in the CH (Commercial Heavy) district except as modified below.

- Permitted uses are restricted to indoor RV storage and mini-storage. No outdoor storage shall be

permitted.

- CH zoning district does not restrict building height. Through PUD-294, the maximum building height is restricted to 26-feet.
- Building setback from residential district is 50 feet
- Three parking spaces shall be provided in Tract F
- Landscaping for Tract G shall be provided by a 50-foot wide landscape buffer area, located in Tract F, along the south and east property lines, adjacent to the existing residential area.
- No landscape material shall be required within the interior area of the RV/mini-storage facility.
- An 8-foot high screening fence of the same masonry material used on the east side of the buildings in Tract G, shall be constructed along the east boundary of Tract G between the northernmost and southernmost buildings shown in Exhibit A of the PUD.
- No freestanding or wall signs shall be allowed in Tract G.
- No light poles shall be installed in Tract G. Any wall packs in Tract G will be shielded with the light directed towards the ground.
- The exterior wall closest to the exterior boundaries of Tract G shall be constructed of masonry material. There shall be no openings along any of these walls except for one 3x8 door which will be permitted for the east end of the central building as shown in Exhibit G of the PUD.
- Hours of operation for the RV and mini-storage uses located on Tract G shall be from 5:00 am to 11:00 pm.

In addition to individual requirements for each Tract, the applicant proposes to permit one multiple tenant sign along South Elm Place identifying tenants located in Tracts A, F, and G. This signs limited to 20-feet in height, 300 square feet of display area, is required to have monument style base, and must be located outside of any utility easement adjacent to the arterial street.

PUD-294 proposed that access to the site shall be from Elm Place and Tucson street as allowed by the Zoning Ordinance with the exception that in order for access points to align with drives across the arterial streets, driveway separation may be less than the requirements of the Zoning Ordinance as shown in Exhibit A.

#### 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 2 and 4	CN/CH/R-2	Commercial/Single-Family Residential)
East	Level 2	R-2	Single-Family Residential
South	Level 3	RD	Duplex
West	Level 3 and 4	CN/CH/A-1	Commercial/Undeveloped

The property associated with PUD-294 and BAZ-2036 is designated as Level 6 in the Comprehensive Plan recently adopted by the City Council. CH zoning is considered to be in conformance with the Comprehensive Plan in Level 6. Consequently, the CH zoning requested with BAZ-2036 is considered to be in accordance with the Comprehensive Plan.

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, infra structure and land use compatibility.

In Staff's opinion, PUD-294 satisfies items 1 and 3 of Section 6.4.A of the Zoning Ordinance.

(1) PUD-294 is proposing a design that orients the majority of lots to the arterial street, while taking into account the adjacent residential uses by imposing parking setbacks, increased building setbacks and larger landscape buffers adjacent to existing residential neighborhoods.

(3) PUD-294 proposes both landscaping and buffer requirements that are in excess of the requirements of the Zoning Ordinance. Consideration has been made to the residential districts to the south and east of this development. The applicant is proposing a drainage channel through the center of the development to preserve the flow of water through the property.

Water and sanitary sewer service are available from the City of Broken Arrow. The property is not shown to be within the 100-year floodplain.

The applicant, on the evening of October 17<sup>th</sup>, held a neighborhood meeting at Ray Harrell Nature Center with surrounding property owners to discuss this proposed development. Approximately residents were in attendance. According to the applicant, the main concerns were two-story structures, setbacks on the office tract, and the mini-storage/RV storage uses.

A letter of protest was submitted to Staff on October 15<sup>th</sup> from a neighboring property owner. Staff has received several calls for information on the development.

**Attachments:** Case map  
Aerial photo  
PUD-294 design statement  
Letter of Protest from neighboring property owner

**Recommendation:**

Based upon the Comprehensive Plan, the existing zoning, the design statement and conceptual site plan

submitted with PUD-294, the location of the property, and the surrounding land uses, Staff recommends that PUD-294 and BAZ-2036 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**

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