



# City of Broken Arrow

## Legislation Details (With Text)

<b>File #:</b>	20-517	<b>Name:</b>	
<b>Type:</b>	Consent Item	<b>Status:</b>	Agenda Ready
<b>File created:</b>	5/12/2020	<b>In control:</b>	Broken Arrow City Council
<b>On agenda:</b>	5/19/2020	<b>Final action:</b>	
<b>Title:</b>	Approval of PUD-303 (Planned Unit Development) and BAZ-2048 (Rezoning), Fiesta Mart, 2.32 acres, A-1 to PUD-303/CG, located on the northwest corner of New Orleans Street (101st Street) and 23rd Street (193rd E. Avenue/County Line Road)		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. 1-PUBLISHED PC STAFF REPORT.05-14-2020, 2. 2-CASE MAP.BAZ-2048 & PUD-303, 3. 3-AERIAL.PUD 303 & BAZ 2048, 4. 4-COMPREHENSIVE PLAN, 5. 5-PUD 303 DESIGN STATEMENT-PUD 303, 6. 6-COUNTY LINE FOOD MART PLAT		

Date	Ver.	Action By	Action	Result
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### Broken Arrow City Council Meeting of: 05-19-2020

#### Title:

**Approval of PUD-303 (Planned Unit Development) and BAZ-2048 (Rezoning), Fiesta Mart, 2.32 acres, A-1 to PUD-303/CG, located on the northwest corner of New Orleans Street (101st Street) and 23rd Street (193rd E. Avenue/County Line Road)**

#### Background:

Planned Unit Development (PUD)-303 involves a 2.32-acre parcel located on the northwest corner of New Orleans Street (101<sup>st</sup> Street) and 23<sup>rd</sup> Street (193<sup>rd</sup> E. Avenue/County Line Road). In conjunction with PUD-303, applicant has submitted BAZ-2048, a request to change the underlying zoning from A-1 (Agricultural District) and A-CN (Annexed Commercial Neighborhood) to CG (Commercial General). Part of the property has been platted as County Line Food Mart. The plat was recorded in Tulsa County prior to being annexed into the City of Broken Arrow. Therefore, the existing plat was not done to City of Broken Arrow standards. A building that was associated with a convenience store that was previously located on the property remains, but it has not been used for several years.

The property associated with PUD-303 is proposed to be developed as a single lot subdivision with multiple tenants. According to the design statement, a Fiesta Mart convenience store, along with an accessory car wash, and a Burger King Restaurant, is planned to be located on the property.

Two points of access are proposed to 23<sup>rd</sup> Street and one point of access is proposed to New Orleans Street. According to the Zoning Ordinance, the centerline of access points on arterial streets are required to be 250 feet from any street intersection and 250 feet, centerline to centerline, from any access point on the same side of the

street. The centerline of the southernmost access point on 23rd Street is 250 feet from the centerline of the intersection between 23rd Street and New Orleans Street. Because of the amount of frontage available on the parcel, applicant is requesting with PUD-303 that the centerline of the northernmost access point on 23rd Street be located 245.45 feet from the south access point. According to the design statement, for developments such as what is being proposed, two access points are necessary to operate businesses thereon and to efficiently and safely allow vehicles to enter and exit the property. When the property was platted in Tulsa County, there were two points of access to 23rd Street, but they were only 180 feet from the centerline of the intersection and only 145 feet apart, centerline to centerline. One point of access is proposed to New Orleans Street. The centerline of this access point is proposed to be located 217.61 feet from the intersection of New Orleans Street and 23rd Street. Storm water detention facilities occupy the western 75 feet of the property. Therefore, with PUD-303, applicant is requesting to reduce the separation requirement on New Orleans Street from 250 feet to 217.61 feet.

The property associated with PUD-303 and BAZ-2048 is designated as Level 4 in the Comprehensive Plan. CG (Commercial General) zoning is considered to be in conformance with the Comprehensive Plan in Level 4.

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-303 satisfies items 1 and 2 of Section 6.4.A of the Zoning Ordinance. (1) The site has been designed to accommodate a convenience store and associated commercial development. The canopies are allowed to be located closer to the street, however, the uses permitted on the site are limited. In addition, all trees are required to be medium to large in size, unless there are conflicts with overhead power lines. The requirements contained in the design statement permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use. (2) Because of the property configuration, the Zoning Ordinance would only allow one point of access to the site from 23rd Street. In addition, with strict application of the Zoning Ordinance and the on-site storm water detention that is required, there would not be any access to New Orleans Street. However, with PUD-303, the spacing of access points is modified slightly to allow two points of access to 23rd Street and one point of access to New Orleans Street. This modification allows greater flexibility in developing the property.

The Planning Commission did inquire if the underground storage tanks had been removed. As of this Staff report, Staff is still investigating the status.

PUD-303 and BAZ-2048 were reviewed by the Planning Commission on May 14, 2020. No comments were received during the Public Hearing session on this item. Staff had recommended that PUD-303 and BAZ-2048 be approved subject to the property being replatted. After reviewing the information presented in the Staff report and information provided by the applicant, the Planning Commission recommended approval (5-0) of PUD-303 as per Staff recommendation.

**Cost:** \$0

**Funding Source:** None

**Requested By:** Larry R. Curtis, Director of Community Development

**Approved By:** City Manager's Office

**Attachments:** Published Planning Commission Staff Report  
Case map  
Aerial photo  
Comprehensive Plan  
PUD-303 design statement  
County Line Food Mart plat

**Recommendation:**  
Approve PUD-303 and BAZ-2048 as per Staff recommendation