



# City of Broken Arrow

## Legislation Details (With Text)

<b>File #:</b>	21-476	<b>Name:</b>	
<b>Type:</b>	General Business	<b>Status:</b>	Agenda Ready
<b>File created:</b>	4/7/2021	<b>In control:</b>	Broken Arrow City Council
<b>On agenda:</b>	4/20/2021	<b>Final action:</b>	
<b>Title:</b>	Consideration, discussion, and possible approval of BACP-174 (Comprehensive Plan change), Cottages at Battle Creek, 8.79 acres, Level 6 to Level 3, one-half mile north of Albany Street (61st Street), one-quarter mile east of Aspen Avenue (145th E. Avenue)		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. 1-PUBLISHED PC STAFF REPORT.03-25-2021, 2. 2-CASE MAP.BACP 174, 3. 3-AERIAL.BACP 174, 4. 4-COMP PLAN.BACP 174, 5. 5-DRAFT PUD.03-22-2021, 6. 6-PUD 94.CONCEPTUAL DEVELOPMENT PLAN, 7. 7-PUD 94 PATIO HOME STANDARDS, 8. 8-PUD 94.GARDEN HOME STANDARDS, 9. 9-RECORDED PLAT.MAGNOLIA GARDENS AT BATTLE CREEK, 10. 10-CASE MAP.PUD 94O, 11. 11-CASE MAP.BACP 105, 12. 12-CASE MAP.PUD 94P, 13. 13-CASE MAP.BACP 111, 14. 14-CASE MAP.PUD-94S, 15. 15-CASE MAP.PUD-94S-1 AND BAZ 1893, 16. 16-CASE MAP.BACP-149, 17. 17-CASE MAP.PUD 94U		

Date	Ver.	Action By	Action	Result
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### Broken Arrow City Council Meeting of: 04-20-2021

**Title:** Consideration, discussion, and possible approval of BACP-174 (Comprehensive Plan change), Cottages at Battle Creek, 8.79 acres, Level 6 to Level 3, one-half mile north of Albany Street (61st Street), one-quarter mile east of Aspen Avenue (145th E. Avenue)

#### Background:

BACP-174 is a request to change the Comprehensive Plan designation on an 8.79-acre undeveloped tract of land from Level 6 to Level 3. The property, which is located one-half mile north of Albany Street (61<sup>st</sup> Street), one-quarter mile east of Aspen Avenue (145<sup>th</sup> E. Avenue), between Jim Norton Chevrolet and the Battle Creek Golf Course, is part of PUD-94 (Battle Creek) and has an underlying zoning of CG (Commercial General). Applicant wants to construct small lot, single-family detached, single-family attached, or townhome homes on the property. The proposed development is similar to the standards that exist with the “Garden Home” and “Patio Homes” designations of PUD-94. Magnolia Gardens is the only development that has been done to the “Garden Home” standards. While several areas in PUD-94 were proposed as “Patio Homes”, none of these areas were ever developed. None of the property associated with BACP-174 has been platted.

#### RELEVANT HISTORY ASSOCIATED PUD-94

When PUD-94 was adopted by the City Council in 1995, the property associated with BACP-174 was designated as “Commercial Office”. The underlying zoning was C-2 (Planned Shopping Center District). In 2008 when the Zoning Ordinance was updated, the underlying zoning on the property was changed to CG (Commercial General). The property was designated as Level 6 in the Comprehensive Plan that was adopted in

1997, as well as the updated Comprehensive Plan adopted in 2019.

On October 7, 2005, the Broken Arrow Public Golf Authority entered into an agreement with REIP, LLC, the developer of Battle Creek, to exchange 10.56 acres of the Battle Creek Golf Course for 12.45 acres of property owned by REIP, LLC. The Warranty Deeds for this land exchange were recorded in Tulsa County on August 22, 2007. Later, on October 10, 2010, the City Council approved PUD-94O, a request for a major amendment to PUD-94 regarding the realignment of the Battle Creek Golf Course boundaries and allowing commercial and office use uses as similarly approved in PUD-94. PUD-94O was approved subject to platting. None of the area in PUD-94O has been platted as originally proposed.

On January 5, 2010, the City Council approved BACP-105 that changed the land use designation of the Comprehensive Plan on 20.56 acres located north of the Broken Arrow Expressway, ¼ mile east of Aspen Avenue from Level 6 and Public Recreation to Level 3. BACP-105 was approved subject to the property being platted. PUD-94P, which matched the land area associated with BACP-105, was approved by the City Council on June 7, 2020, subject to the property being platted. The property was platted as The Greens at Battle Creek, and The Greens at Battle Creek apartment project was developed on this property.

BACP-111, a request to amend the Comprehensive Plan with rearrangement of Public Recreation and Level 6 designations was approved by the City Council on June 7, 2010. Albany Drive was extended and connected with the St. John's Hospital development to the east. The area between the Battle Creek golf course and the Stone Wood Crossing II neighborhood and the Broken Arrow Post Acute Health Care Campus area to the east was left as Level 6.

PUD-94S, along with BAZ-1895, a request to change the zoning on 10.5 acres east of Aspen Avenue, north of Albany Drive from CG to CH, were approved by the City Council on September 17, 2013, subject to the property being platted. The property was platted as Ronda Norton Center. With the change in zoning and recording of the plat, Jim Norton Chevrolet subsequently developed on the property.

Later, Jim Norton Chevrolet was able to obtain 4.55 additional acres to the east and submitted PUD-94S-1 and BAZ-1983, which were approved by the City Council on August 15, 2017, subject to platting. The property, which abuts BACP-174 to the west, was platted as Ronda Norton Center II, and Jim Norton Chevrolet expanded into this area.

BACP-149, a request to change the Comprehensive Plan designation on property located between the Battle Creek Golf Course and the Stonewood Crossing Addition from Level 6 and Public Recreation to Level 2, was approved by the City Council on January 19, 2016, subject to the property being platted and a PUD being submitted that was similar in context to the draft PUD submitted with BACP-149. PUD-94U and BAZ-1954, which requested to change the zoning on 20.47 acres from CG to RS-3, matched the boundaries associated with BACP-149. PUD-94U and BAZ-1954 were approved by the City Council on March 15, 2016, subject to the property being platted. With PUD 94U, applicant was proposing to construct up to 102 one-story, single-family attached patio homes with each dwelling unit individually owned. The property was never platted, and as a result, PUD-94U has expired.

#### Draft PUD

A draft PUD has been submitted with BACP-174 for informational purposes only. The PUD has not been advertised. Therefore, no action will be taken regarding the draft PUD.

As noted in the draft PUD, two Tracts, A and B are proposed. Tract A, which abuts the Stonewood Crossing II addition to the east proposes to have up to have up to 90 single-family detached units on lots with a minimum

lot size of 5,000 square feet. As part of their future PUD submittal, applicant will be requesting that the underlying zoning be changed from CG to RS-3 (Single Family Residential). Tract A is designated as Level 2 in the Comprehensive Plan. RS-3 zoning is in conformance with the Comprehensive Plan in Level 2. As a result, no change in the Comprehensive Plan is required for Tract A.

Tract B, which is associated with BACP-174, is located between Jim Norton Chevrolet and the Battle Creek Golf Course. Either single family detached, single family attached, or townhomes are proposed to be developed in Tract B. However, no more than three units can be attached. Applicant will be requesting that the zoning in Tract B be changed from CG to RD (Residential Duplex). Since Tract B is designated as Level 6 in the Comprehensive Plan, a change in the Comprehensive Plan is required. Consequently, with BACP-174, applicant is requesting that the Comprehensive Plan be changed from Level 6 to Level 3. RD zoning is in conformance with the Comprehensive Plan in Level 3.

According to FEMA maps, none of the property is in a 100-year floodplain area. The draft PUD submitted with BACP-174 notes that stormwater drainage will be handled in accordance with the City of Broken Arrow design standards.

#### Comprehensive Plan Analysis

According to the Comprehensive Plan, “Level 3 represents a transition zone from strictly residential development to strictly nonresidential development. As such, the primary uses for Level 3 are higher density residential uses and lower density employment uses.” Consequently, Level 3 serves as a buffer between typical residential single-family detached subdivisions and commercial development. With BACP-174, applicant is requesting to change the Comprehensive Plan designation on 8.79 acres located between the Jim Norton Chevrolet dealership and the Battle Creek Golf Course from Level 6 to Level 3, thereby establishing a transitional buffer between these two land uses.

BACP-174 was reviewed by the Planning Commission on March 25, 2021. At this meeting, no one spoke during the Public Hearing session on the item. Staff had recommended that BACP be approved subject to the property being platted and a PUD being submitted that is similar in context to the draft PUD.

After reviewing the information presented in the Staff report, the Planning Commission recommended approval (5-0) of BACP-174 as per Staff recommendation.

**Cost:** \$0

**Funding Source:** Source

**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  
Draft PUD  
PUD-94 Conceptual Development Plan  
PUD-94 Garden Home Standards  
PUD-94 Patio Home Standards  
Magnolia Gardens recorded plat

Case map for PUD-94O  
Case map for BACP-105  
Case map for PUD-94P  
Case map for BACP-111  
Case map for PUD-94S  
Case map for PUD-94S-1 and BAZ-1893  
Case map for BACP-149  
Case map for PUD-94U and BAZ-1954

**Recommendation:**

Approve BACP-174 as per Planning Commission and Staff recommendation.