



City of Broken Arrow

Request for Action

File #: 16-774, Version: 1

**Broken Arrow City Council
Meeting of: 8-02-16**

**To: Mayor and City Council
From: Office of the City Attorney**

Title:

Consideration, discussion, and possible preview of Ordinance No. 3439, an ordinance amending Ordinance No. 3410, which temporarily established an alternative process for the review and issuance of building permits for buildings or structures designed for residential uses and proposed for location in downtown Broken Arrow, in an area more specifically described as the one-half square mile south of Kenosha Street, north of Houston Street, east of Elm Place and west of First Street, provided for an appeal process, effective and repeal dates, and severability; said amendment to extend the effective date of Ordinance No. 3410 to allow additional time for approval and implementation of the proposed downtown overlay district; and declaring an emergency

Background:

Downtown Broken Arrow has reinvented itself several times with the adoption of the 2005 Downtown Master Plan, establishment of the Rose District, and ongoing beautification and infrastructure projects. Establishing an Arts and Entertainment District in the downtown area, has resulted in the attraction of new mixed use developments, including restaurants, retail stores, residential lots and offices along Main Street and within the Rose District. The current downtown maintains a core of museums, a farmers market, churches, city offices, long established banks, restaurants, clothing retail, furniture specialty stores, manufacturing, aviation simulation and many other businesses. Over 100 businesses, churches and services are located in the corridor around downtown and within the Rose District.

Additionally, the downtown area includes more than twelve (12) different residentially platted subdivisions that were recorded in the early part of the Twentieth Century. Residential structures within these subdivisions are in varying conditions. Staff believes that residential development and growth in the Rose District should be managed in order to provide lasting benefits to the land area within the immediate vicinity of downtown, and to the community as a whole. As the Council is aware, City Staff is actively studying the feasibility of maintaining and improving existing infrastructure and establishing new infrastructure within the Rose District. Orderly growth of residential development should be in tandem with these improvements.

The City Manager, with the assent of the City Council, formed a Coordinating Committee to make recommendations for updates to the overlay zoning district in downtown, and to recommend residential development standards for the Rose District, including limitation of uses, and design and location standards. The Coordinating Committee sought proposals for updated residential development standards. Requests for Proposals were disseminated and a firm has been selected. Staff is in the process of negotiating a contract with

the successful applicant.

In order that the purposes contemplated by updates to the residential overlay zoning district not be frustrated and to allow the Coordinating Committee the necessary time to complete development of the proposed district and to hold public hearings, to allow the Planning Commission to make its recommendations regarding the proposed overlay zoning district and related development standards, the Council approved an alternative process for the review and issuance of building permits. This process was established through Ordinance No. 3410. This Ordinance provided for an additional layer of review for residential building permits in this area. The Coordinating Committee reviews applications for residential construction and makes a recommendation to Staff for approval or denial. Should Staff deny a permit or impose conditions unfavorable to an applicant, they may appeal to the City Council. This process has worked very well and two residential developments have been processed in this way.

Ordinance No. 3410 was set to expire by its own terms on March 31, 2017. It provided, however, that the time frame can be expanded by further Council action if necessary. Due to the length of time required to solicit proposals, identify a consultant, and negotiate a contract, Staff is recommending an extension to the time frame to August 16, 2017. As such, Staff recommends that Council preview Ordinance No. 3439, which extends the timeframe for the temporary review process.

Cost: **None**

Prepared By: **Beth Anne Wilkening, City Attorney**

Reviewed By: **Assistant City Manager-Operations
Development Services Department
Engineering and Construction Department**

Approved By: **Michael L. Spurgeon, City Manager**

Attachments: **Ordinance No. 3439**

Recommendation:

Preview Ordinance No. 3439 and set it for adoption at the next meeting.