



City of Broken Arrow

Request for Action

File #: 16-865, Version: 1

**Broken Arrow City Council
Meeting of: 08-02-2016**

**To: Mayor and City Council Members
From: Development Services Department
Title:**

Consideration and possible approval of BACP-153 (Comprehensive Plan change request), Kum & Go 837, 1.15 acres, ARS-1, Level 1 to Level 4, west of Oneta Road, north of State Highway 51

Background:

BACP-153 is a request to change the Comprehensive Plan designation on 1.15 acres from Level 1 (Rural Residential) to Level 4 (Commercial/Employment Nodes). This property is located west of Oneta Road, north of State Highway 51 and was recently annexed into the City Limits of Broken Arrow on July 5, 2016, per Ordinance No. 3438. At the time this property was annexed, it was assigned a zoning classification of ARS-1 (Annexed Residential Single-Family).

Kum & Go 837 is in the process of acquiring the property associated with this Comprehensive Plan Change request, BACP-153, and is currently constructing a new convenient store immediately south of this property. With the acquisition of this property, they plan to enlarge the site to accommodate diesel fuel sales and parking for large trucks. A draft PUD and conceptual site plan have been submitted with this Comprehensive Plan Change request, indicating the proposed layout.

The property associated with BACP -153 has been platted as Lot 9, Block 2, Prairie Dale. The covenants for Prairie Dale state, "All tracts in said addition shall be restricted to residential single-family houses, except Tracts 11 and 12, Block 2, and Tract 8 Block 3, which shall also be subject to commercial use. Plans for any construction proposed on Tracts 11 and 12, Block 2, and Tract 8, Block 3, shall be approved by Thomas R. Stone III or someone designated by him, before construction begins." Consequently, before commercial uses can occur on Lot 9, Block 2, the covenants must be modified. According to the applicant, modification of the covenants requires the approval of at least 60% of the property owners, which has been obtained and recorded with Wagoner County.

PUD-247 encompasses the property immediately to the south and was approved by the City Council on February 2, 2016, subject to the property being re-platted. Their conditional final plat, for the property to the south, was approved by the City Council on February 16, 2016, subject to a list of conditions. Rather than record this Conditional Final Plat then re-plate it again, the applicant will revise their plat to include the property to the north, associated with BACP-153 (pending City Council approval of their rezoning request, BAZ-1962 and PUD-247A).

BAZ-1962 has been submitted, requesting the north property be re-zoned from ARS-1 to CN. In addition, they have submitted PUD-247A, a request to modify PUD-247 parking, driveway, signage, setbacks, landscaping and lighting requirements for both north and south parcels. BAZ-1962 and PUD-247A are scheduled to be

heard by the Planning Commission on August 11, 2016 and, if recommended for approval, by the City Council on September 6, 2016.

The Planning Commission in their meeting of, July 14, 2016, reviewed and unanimously (3-0 vote), recommended BACP-153 be approved, subject to the property being platted, and a PUD submitted (PUD-247A) that is similar in context to the draft PUD submitted with this Comprehensive Plan Change request.

Cost: \$0

Prepared By: Farhad K. Daroga, Plan Development Manager

Reviewed By: Development Services Department
Assistant City Manager - Operations
Legal Department

Approved By: Michael L. Spurgeon, City Manager

Attachments: BACP-153 Fact Sheet of July 14, 2016 Planning Commission
Recorded Certificate to Vacate Lot 9, Blk. 2 Prairie Dale/Covenants
Case map Aerial photo
Comprehensive Plan
Draft PUD
Conceptual site plan
Conceptual landscape plan
Prairie Dale plat and covenants

Recommendation:

Approve BACP-153, request to change the Comprehensive Plan designation on the property from Level 1 to Level 4, subject to the property being platted and a PUD being submitted that is similar in context to the draft PUD submitted with BACP 153, and as recommended by the Planning Commission and Staff.

FKD/kjf