



City of Broken Arrow

Request for Action

File #: 17-2320, **Version:** 1

Broken Arrow Planning Commission
06-22-2017

To: Chairman and Commission Members
From: Development Services Department
Title: Public hearing, consideration, and possible action regarding PUD 264 (Planned Unit Development) and abrogation of BAZ 1943 (rezoning), Top Dog Training Boarding Daycare, 4.14 acres, A-1 to PUD 264/A-1, northeast corner of Tucson Street and 9th Street

Background:

Applicant: Mark B. Capron, Sisemore Weisz & Associates
Owner: John Day
Developer: John Day
Engineer: Sisemore Weisz & Associates
Location: Northeast corner of Tucson Street and 9th Street
Size of Tract 4.14 acres
Number of Lots: 1
Present Zoning: A-1 (CG via BAZ 1943)
Proposed Zoning: PUD 264/A-1
Comp Plan: Level 4

Planned Unit Development (PUD) 264 involves a 4.14-acre undeveloped tract located on the northeast corner of Tucson Street and 9th Street, just south of the Creek Turnpike. Applicant is proposing to construct “Top Dog”, a training, boarding, and daycare facility for dogs.

The property is presently zoned A-1 (Agriculture). On October 6, 2015, the City Council approved BAZ 1943 to change the zoning on the property from A-1 to CG (Commercial General), subject to the property being platted. The property has not been platted, as a result, the zoning on the property remains A-1.

Animal training schools and kennels, such as that proposed with “Top Dog,” are allowed in the A-1 and CH (Commercial Heavy) zoning districts with a Specific Use Permit and by right in the IL (Industrial Light) district. The A-1 district requires 330 feet of lot frontage and a minimum lot size of five acres. While the property associated with PUD 264 meets the minimum lot frontage requirement, it presently contains only 4.14 acres. With PUD 264, applicant is proposing to develop the property in accordance with the Broken Arrow Zoning Ordinance and the use and development regulations of the A-1 district with the following changes:

- Animal Hospital, Animal Training School, Kennel, and Veterinary Clinic will be allowed by right along with any other use allowed by right in the A-1 district. A separate Specific Use Permit submittal will

not be required.

- Minimum lot area reduced from 5.00 acres to 3.25 acres. (While the property presently contains 4.14 acres, additional right-of-way will have to be dedicated along the arterial streets as part of the platting process, which will bring the net lot area to 3.60 acres. As per the PUD, the property cannot be split. Therefore, the minimum lot will probably be 3.60 acres, but in case additional right-of-way is needed, the PUD notes that the minimum lot size is 3.25 acres.)
- The exterior of buildings constructed on the property will meet the requirements for commercial buildings.
- Landscaping will be provided in accordance with Section 5.2 of the Zoning Ordinance.
- Within 350 feet of the intersection with Tucson Street, the building setback next to 9th Street will be 115 feet from the centerline of 9th Street. After 350 feet, the building line setback will transition back to 100 feet from the centerline of 9th Street. (In the A-1 district, the building line setback next to a street is 50 feet. The setback being requested with PUD 264 will be at the same location when right-of-way is provided in accordance with the Subdivision Regulations. However, with this property, a larger right-of-way has been obtained to accommodate the bridge and associated slopes over the Creek Turnpike. Consequently, applicant is asking that the building setback be the right-of-way provided as per the Subdivision Regulations and not 50 feet back from the property line that has been provided to accommodate the bridge.)

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	Zoning	Land Use
North	Level 4	A-1	Electric substation
East	Level 4 and Greenway/ Floodplain	A-1 and FD	Undeveloped and 100-year floodplain
South	Level 4 and Greenway/ Floodplain	AG (Tulsa County)	Large lot single family residential and 100-year floodplain
West	Level 2	A-1	Large lot single family residential

The property associated with PUD 264 is designated as Level 4 in the Comprehensive Plan, but is presently zoned A-1. With PUD 264, applicant is requesting to keep the existing zoning and develop the property a part of a Planned Unit Development. No changes to the Comprehensive Plan are being requested.

In addition to PUD 264, applicant has also submitted a preliminary plat, Top Dog, that is on this same agenda.

According to FEMA maps and the preliminary plat for Top Dog, part of the 100-year floodplain of the west branch of Broken Arrow Creek encroaches on the east part of the property.

Attachments: Case map
Aerial photo
Comprehensive Plan
PUD 264 design statement
Preliminary Plat for Top Dog

Recommendation:

Applicant is proposing to develop a facility to be used for training, boarding, and daycare for dogs. This type of use is permitted in the A-1 district with a Specific Use Permit. However, the property will only contain 3.60 acres after it is platted, and the A-1 district requires at least five acres. With PUD 264, applicant is proposing to develop the property in accordance with the Zoning Ordinance and A-1 use and development regulations. The only changes being requested to the A-1 regulations is that the lot size will be reduced from 5.00 acres to 3.25 acres and minor modifications to the building setback requirements. The exterior of buildings constructed on the property will meet the commercial building standards of the City of Broken Arrow. In addition, landscaping will be provided in accordance with the zoning ordinance.

Based on the existing zoning, surrounding land uses, and the minimal changes being requested with PUD 264, Staff recommends that PUD 264 be approved subject to the property being platted. No building or structures will be allowed in the 100-year floodplain.

In 2015, the City Council approved BAZ 1943 to change the zoning on this property from A-1 to CG, subject to the property being platted. Staff recommends that BAZ 1943 be abrogated.

Reviewed by: Larry Curtis

Approved by: Michael Skates

BDM