



City of Broken Arrow

Request for Action

File #: 17-2490, **Version:** 1

Broken Arrow Planning Commission
08-24-2017

To: Chairman and Commission Members
From: Development Services Department
Title: Public hearing, consideration, and possible action regarding PUD-135I (Planned Unit Development), a request for a minor amendment to PUD-135, Washington Lane VII, 14.72 acres, R-2/PUD-135 to R-2/PUD-135I, one-quarter mile south of Washington Street, west of 9th Street

Background:

Applicant: Kevin Vanover, Olsson Associates
Owner: Armory, LLC
Developer: Armory, LLC
Engineer: Olsson Associates
Location: One-quarter mile south of Washington Street, west of 9th Street
Size of Tract 14.72
Number of Lots: 1 (54 proposed)
Present Zoning: R-2/PUD-135
Proposed Zoning: R-2/PUD-135I
Comp Plan: Level 2

Planned Unit Development (PUD) 135I involves 14.72 acres of undeveloped and unplatted property located one-quarter mile south of Washington Street, west of 9th Street. BAZ-1580, a request to change the zoning on this property from A-1 to R-2, along with PUD-135, were reviewed and approved by the City Council on December 2, 2002, as part of the Washington Lane residential PUD. BAZ-1580 and PUD-135 were approved subject to the property being platted.

With Washington Lane VII, the applicant is requesting a minor amendment to PUD-135 to reduce building setback lines and to modify requirements for reserve areas. The conditional final plat for Washington Lane VII was reviewed and approved by the City Council on June 15, 2015. The final plat was approved by staff following City Council approval however, the final plat was never recorded in Tulsa County.

PUD-135 stated that Tract B would be developed in accordance with use and development regulations the R-5 district. The zoning code in place when PUD-135 was approved, Adopted July 10, 1989, required a minimum lot frontage of 60-feet with a minimum front yard of 25-feet in the R-5 district for single-family detached homes. The 1989 Zoning Ordinance was amended in 1994 to allow wedge-shaped lots to have less than the

minimum requirements for frontage as long as the front building line on the lot is the minimum as required in each zoning category. PUD-135I is a request to reduce the building setback line to 25-feet on wedge-shaped lots with no minimum requirement on the width of the lots. On the most recently revised version of the Washington Lane VII plat, the smallest lot width at a 25-foot building line setback is 45-feet.

Also requested with PUD-135I, is a proposal to remove the sidewalk easement from Reserve A on the plat of Washington Lane VII. The applicant and developer believe that removing the sidewalk easement will allow the HOA more flexibility in determining what recreational uses they would like to develop for the property. The previously approved Overland Drainage Easement and Utility Easement will remain over the entirety of Reserve A.

A revised final plat, has been submitted in conjunction with PUD-135I. Water and sanitary sewer to this development will be provided by the City of Broken Arrow. The 100-year floodplain on this property is shown to be located in Development Area C and the Open Space/Trail System area.

The property is designated as Level 2 in the Comprehensive Plan. R-2 zoning that was approved with BAZ-1580 and is still reflected with PUD-135I is considered to be in accordance with Comprehensive Plan in Level 2.

History of PUD-135

From its approval by City Council on December 2, 2002, PUD-135 has had a substantial number of amendments, six of which were approved and two that were denied.

PUD-135A, a major amendment to PUD-135, was approved by the City Council on April 7, 2003. With PUD-135A, applicant requested the following modifications to Development Area B:

- Side yard requirements for single-family detached homes that are not considered to be a cluster home shall be 10 feet on one side and 5 feet on the other.
- Rear yards can be 20% of the lot depth or 20 feet.
- For corner lots, the front building line setback can be reduced from 25 feet to 15 feet when the associated street frontage contains a limit of no access. The 15-foot building line setback does not apply if the lot is on a collector street and is within 200 feet of an arterial street.
- For cluster homes having a minimum lot size of at least 5,400 square feet and lot frontage of at least 50 feet, access may be by a public or private street.
- For cluster homes that share a common rear yard, the building line setback is 20 feet.

On May 27, 2004, applicant submitted PUD-135B, a request for a minor amendment to allow the fence along the collector street to be approved by the Architectural Committee of the subdivision, rather than the Planning Commission. PUD-135B was approved by the Planning Commission as requested by the applicant.

On June 24, 2004, applicant submitted PUD-135C, a request for a minor amendment to allow the side yards to be reduced from 10 feet on one side and 5 feet on the other side, to 5 feet on both sides. This request was applicable to all areas except for the first phase of development "Washington Lane". PUD-135C was approved by the Planning Commission as presented by the applicant.

On January 27, 2005, the Planning Commission reviewed PUD-135D, a request for a minor amendment to reduce the building line setback from 15 feet to 13.4 feet, on Lot 14, Block 3, Washington Lane. The minor

amendment application for PUD-135D was initiated when inspections red flagged the site due to the slab for the single family structure being poured over the building line and utility easement. The Planning Commission approved PUD-135D, as presented by the applicant.

On September 22, 2005, the Planning Commission reviewed PUD-135E, a request to reduce the side yard building line in Washington Lane (which was the platted area excluded from PUD-135C) from 10 feet on one side to 5 feet on the other to 5 feet on both on undeveloped Lots 4,7,13,14,17,26, and 27 of Block 1; Lots 4, 6, 8, 9, 10, and 11 of Block 2; and Lots 8 and 9 of Block 3 within the 19.14 acres that had been platted as Washington Lane. All of these lots were, at the time of the application, under the ownership of Armory LLC. The Planning Commission denied PUD-135E. Applicant submitted an appeal to the City Council regarding the Planning Commission's denial. This appeal was heard by the Broken Arrow City Council on November 7, 2005 and subsequently denied.

With minor amendment PUD-135F, applicant requested the following modifications to undeveloped areas of Development Area A of PUD-135:

- Front set backs on corner lots where there is no vehicular access, be reduced from 25 feet to 15 feet (corner lots adjacent to an arterial street and corner lots on collector streets within 200 feet of an arterial street will be excluded).
- The language in PUD 135 be changed so that rear yards in Development Area A will be a minimum of 20 feet or 20% of the lot depth, whichever is less.

The Planning Commission in their meeting of October 27, 2005 denied PUD-135F. Applicant submitted an appeal to the City Council regarding the Planning Commission's denial. This appeal was heard by the Broken Arrow City Council on December 5, 2005 and subsequently denied.

PUD-135G, was a request for a minor amendment to PUD-135A to reduce the side yard setback requirement on the north side of Lot 7, Block 4 of Washington Lane II from five feet to four feet. No survey information was submitted by the applicant regarding the distance the building encroached into the side yard setback requirement. In addition, no information was submitted by the applicant regarding how the structure came to be constructed over the building setback line on a rectangular shaped lot. The Planning Commission in their meeting of December 8, 2005 approved PUD-135G with the conditions that a survey showing the encroachment be provided, as well as an explanation for how the encroachment occurred.

On November 5, 2009, the applicant requested, with PUD-135H, that the building setback line on the west side of Lot 8, Block 1, Washington Lane V be reduced from 5.0 feet to 3.9 feet. A survey of the property as the structure was being completed revealed that the northwest corner of the structure had encroached 1.1 feet into the building setback requirement. Construction on the residential structure had been completed at the time the encroachment was discovered. The Planning Commission approved PUD-135H as presented.

Attachments: Case map
Aerial photo
Comprehensive Plan
PUD 135I design statement
Revised Final Plat for Washington Lane VII
Previously Approved Final Plat for Washington Lane VII
Excerpt from 1989 Zoning Ordinance Pertaining to the R-5 zoning district

Recommendation:

Based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-135I, a request for a minor amendment to PUD-135, be approved as presented, subject to the property being platted.

Reviewed by: Larry Curtis

Approved by: Michael Skates

LRC:ALY