



City of Broken Arrow

Request for Action

File #: 18-1129, **Version:** 1

**Broken Arrow Planning Commission
10-11-2018**

To: Chairman and Commission Members
From: Development Services Department
Title: Approval of revised landscape plan for Forest Creek Patio Homes, ST06-155, 24.36 acres, PUD (Planned Unit Development)-146/RM (Residential Multifamily), one-quarter mile east of Garnett Road, north of Houston Street

Background:

Applicant: Jim Crosby, Planning Design Group
Owner: Forest Creek Lot Holding Company
Developer: Forest Creek Lot Holding Company
Landscape Arch.: Planning Design Group
Location: One-quarter mile east of Garnett Road, north of Houston Street
Size of Tract: 21.36 acres
Number of Lots: 128
Present Zoning: PUD-146/RM
Comp Plan: Level 3 (Transition Area)

A revised landscape plan has been submitted for Forest Creek Patio Homes, a single-family attached residential community. The property, which is located one-quarter mile east of Garnett Road, north of Houston Street, is zoned PUD-146 with an underlying zoning of RM (Residential Multifamily).

PUD-146, which contained 71.72 acres that was divided into three development areas (1, 2, and 3), was approved by the City Council on September 20, 2004, subject to the property being platted. The plat, Forest Creek Patio Homes, which occupied all of Development Area 3, was recorded in Tulsa County on February 23, 2007. The design statement for PUD-146 states that landscaping will comply with the landscaping requirements of Article VIII, Section 19 of the Zoning Ordinance. The Zoning Ordinance that was in effect at the time PUD 146 was approved, contained landscaping requirements for “Multiple Dwelling Landscaping” and “Single-Family, Two-Family, and Mobile Homes”. “Multiple Dwelling Landscaping” requires two trees per housing unit, one tree per 10 parking spaces, and one tree per 50 feet of frontage onto an arterial street along with shrubs. “Single-Family, Two-Family, and Mobile Homes” require one tree per 50 feet of arterial street frontage. The underlying zoning on the property associated with Forest Creek Patio Homes is RM (Residential Multifamily). The Zoning Ordinance in effect at the time PUD-146 was approved defined “Dwelling, Multiple” as “A dwelling designed for occupancy by three or more families.” “Dwelling, Single-

Family” was defined as “A dwelling designed for or used by one family.” While the underlying zoning for Forest Creek Patio Homes is “RM”, it has been developed as single-family attached. The dwellings have been designed to be used by one family per lot. Therefore, by the Zoning Ordinance, the only landscaping required is the 100 feet of frontage along Houston Street, which requires two trees.

On November 30, 2006, a site plan and landscape plan was submitted to the Planning Commission. The site plan showed a gated, 128-dwelling single family attached residential development. The landscape plan showed 243 trees, including 74 trees that were located with pipeline easements. The landscape plan was approved subject to the following:

- Pipeline easement shall be shown on the revised landscape plan. Where landscaping is shown to be located in any pipeline easement, applicant shall provide to the Development Services Department a letter from that pipeline company stating that they take no exception to the landscape material being located within their easement.

Four pipelines cross the property. In a letter dated January 30, 2007, Explorer Pipeline acknowledged their approval of the landscape plan with the trees and water features being removed from Explorer’s pipeline easement. In addition, they stated that the trail needed to be natural grass or gravel. With this information, the landscape architect removed the 74 trees from the landscape plan, which left 169 trees. Since the landscape plan met the requirements of PUD-146 and the conditions stipulated by the Planning Commission, Staff signed off on the landscape plan with 169 trees on February 7, 2007.

Construction of Forest Creek Patio Homes started in 2006 and was completed in 2018. During this time period, construction started, was halted for several years, and was then restarted by a different developer. The following is a timeline of activities that are apparent in reviewing aerial photographs from Google Earth between October 2006 and March 2018.

- October 2006 - Grading of the site for the Forest Creek Patio Homes is underway.
- March 2010 - 32 dwellings appear in the aerial, of which 19 dwellings have driveways and 13 dwellings are without driveways.
- September 2010 - The same number of dwellings appear in the aerial, with one more driveway added to an existing dwelling. The installation of some landscaping in front of the dwellings is apparent in this aerial.
- June 2011 - Aerial shows 26 dwellings with driveways, and six without. No changes are shown to the dwellings between June 2011 and August 2012.
- April 2014 - Aerial shows changes have been taking place, there are 45 dwellings with driveways and 8 more dwellings under construction.
- March 2015 - 58 dwellings have driveways, 17 dwellings are under construction, and the roadway network has been completed.
- September 2016 - 98 dwellings have been completed and additional dwellings are under construction.
- May 2017 - There are 12 dwellings under construction and the remaining 116 appear to have been completed. Landscaping in front of the dwellings is apparent in the May 2017 aerial.
- March 2018 - All the dwellings appear to have been completed.

According to Tulsa County property records:

- August 15, 2008 - Forest Creek Development Company conveyed the property to the Forest Creek

Patio Homes Homeowners Association.

- Sometime between August 15, 2008 and September 17, 2010, the property is obtained by the Tulsa County Sheriff.
- September 17, 2010 - the property is conveyed from the Tulsa County Sheriff to First Priority Bank.
- June 15, 2012 - First Priority Bank conveys the property to Forest Creek Lot Holding Company, LLC.

After construction started on the Forest Creek Patio Homes in 2006, there was a down turn in the economy in 2008 and the initial developer could no longer continue construction on the development. Construction that had started on some of the buildings stopped, leaving incomplete structures. As shown by the aerial photographs, nothing was happening on this property between 2010 and 2014. Some of the dwellings where construction had started, but had not been completed, remained unfinished. As noted in Tulsa County records, Forest Creek Lot Holding acquired the property in 2012 and as observed in the aerial photographs, construction is occurring in 2014.

In 2018, all the structures in the development have been completed and sold. The developer is in the process of turning the Home Owners Association responsibilities to the residents. According to a September 14, 2018, email from the President Elect of Forest Creek Patio Homes, Capital Homes held a Home Owners Association meeting in October 2017 to elect HOA officers and board. Residents expressed concern about stormwater issues, retaining walls, and landscaping that had not been completed as per the approved landscape plan. A copy of the approved landscape plan was provided by Staff to the developer on May 25, 2018, and to the President Elect of Forest Creek Patio Homes on June 1, 2018.

Staff met with the developer and a new landscape architect on August 10, 2018, to go over the previously approved landscape plan and trail system. Staff noted that the landscape plan previously approved by the Planning Commission and Staff showed 169 trees. The developer noted that the previous landscape plan had a lot of landscaping installed on the perimeter of the property. Several areas where landscaping was proposed were no longer accessible. Landscaping had instead been installed along the streets in front of the dwellings. From information supplied to Staff, some of these trees were installed by the previous developer, some installed by private property owners, and some installed by the current developer. Staff informed the developer that a revised landscape plan could be submitted, but would need to be reviewed by the Planning Commission. Since the previously approved landscape plan showed 169 trees, the revised landscape plan would have to at least meet this amount. Staff requested that the landscape architect conduct an inventory and identify the type and size of trees on the property.

During the past month, the landscape architect conducted an inventory of the trees on the property. On their attached revised landscape plan submitted to the Planning Commission, they noted there are 154 existing trees and 144 ornamental trees. Of the 154 trees, 12 are smaller than the 2-inch caliper required by the Zoning Ordinance and 5 trees are not on the approved tree list. As a result, the landscape architect has identified 137 trees that are in compliance with the Zoning Ordinance. In addition to the trees, they counted what they classified as ornamental trees which were considered to Oklahoma Redbuds, crepe myrtles, and foster hollies. By the Zoning Ordinance, redbuds are allowed on a 1 to 1 basis, while two crepe myrtles and foster holly are needed per required tree. They considered anything less than five feet in height to be a shrub and not a tree. Their inventory revealed 144 existing ornamentals, of which 61 were less than five feet in height, leaving 83 trees. They then applied the two for one requirement, which equaled 41 trees. As a result, the inventory identified a total of 178 trees that met the requirements of the Zoning Ordinance. The previously approved landscape plan showed 169 trees. Therefore, the current landscaping exceeds the requirements previously approved.

During the meeting on August 10, 2018, Staff reviewed a new conceptual trail plan prepared by the landscape architect and directed that the trail would need to have handicapped accessible ramps where the trail crossed the private streets. In addition, Staff recommended that the trail have points of connection to the abutting drives. According to the applicant, there are no curbs along El Paso Street where the trail would connect. It is important to note that the trail is located within pipeline line easements. When the previous landscape plan was reviewed by the pipeline companies, they had stipulated that the trail needed to be either grass or gravel. The City of Broken Arrow does not have design standards for grass or gravel drives. The proposed trail will be owned and maintained by the homeowners association.

The trail originally submitted to and approved by the Planning Commission was four feet in width and 12 inches thick with two 3 inch lifts of crushed limestone and 6 inches of class A gravel and had a metal edge. The trail proposed with the revised landscape plan is shown to be five feet in width with limestone screenings of 3 inches in depth along with a 4 inch aggregate base and no metal edge. The landscape architect who prepared the revised plan considered the trail design on the original plan to be excessive.

In Area 3 where Forest Creek Patio Homes is located, PUD-146 required at least 35 guest parking spaces to be provided. On September 20, 2018, it was brought to Staff's attention that the number of required guest parking spaces may not have been provided. The revised landscape plan shows 18 guest parking spaces. Staff has requested information from the developer as to whether this requirement has been met. As of the time this Staff report was prepared, no additional information has been provided.

Attachments:

- March 2018 aerial photo
- Revised landscape plan - 09-18-2018
- Letter from Jim Crosby - 09-18-2018
- Landscape plan approved in 2007
- Site plan submitted in 2006
- 2007 landscape approval letter
- 2006 fact sheet to Planning Commission
- Letters from pipeline companies
- PUD-146
- Excerpts from 2006 Zoning Ordinance
- May 2017 aerial
- September 2016 aerial
- March 2015 aerial
- April 2014 aerial
- August 2012 aerial
- June 2011 aerial
- September 2010 aerial
- March 2011 aerial
- October 2006 aerial
- Email from Brent Murphy.06-01-2018
- Email from Jerry Ferguson.09-14-2018
- Email from Michael Skates.09-14-2018
- Email from Jerry Ferguson.09-20-2018

Recommendation:

The design statement for PUD 146 that was approved by the City Council on September 20, 2004, stated that

landscaping in Area 3 where Forest Creek Patio Homes is located would be provided in accordance with the Zoning Ordinance. Since Forest Creek Patio Homes is a single family attached neighborhood with only one dwelling per lot, by the Zoning Ordinance and PUD-146, only two trees along Houston Street are required. The landscape plan previously submitted to and approved by the Planning Commission showed 169 trees, and the revised landscape plan shows 178. Therefore, the revised landscape plan exceeds the requirements previously approved by the Planning Commission.

Regarding the proposed trail, it is located within easements belonging to four companies. Explorer Pipeline has stated that the trail needs to be either grass or gravel. The City of Broken Arrow does not have a standard for grass or gravel trails. The trail shown in the revised landscape plan, which has been designed by a licensed landscape architect, is five feet in width, compared to four feet in width with the previous trail. The trail shown on the revised landscape plan will have handicapped accessible ramps at Desert Palm Avenue, Butternut Place, and Aster Avenue. The previously approved landscape plan did not indicate any handicapped assessable crossings.

The revised landscape plan shows 18 guest parking spaces. PUD-146 that was approved by the City Council requires 35 parking spaces. Therefore, either 17 more guest parking spaces need to be provided or there needs to be an amendment to PUD-146 to address this requirement.

As a result, Staff recommends that the attached revised landscape plan submitted on September 18, 2018, be approved subject to the following:

1. Guest parking spaces shall be provided in accordance with the requirements of PUD-146.
2. Pipeline companies shall be notified prior to construction starting on the proposed trail.

Reviewed By: Larry R. Curtis

Approved By: Michael W. Skates

BDM