



City of Broken Arrow

Request for Action

File #: 18-1307, **Version:** 1

**Broken Arrow Planning Commission
12-06-2018**

To: Chairman and Commission Members
From: Development Services Department
Title: Public hearing, consideration, and possible action regarding PUD-17B (Planned Unit Development Major Amendment), Vandever Acres Center, 5 acres, CG, located north and west of the northwest corner of New Orleans Street and Elm Place

Background:

Applicant: Marc B. Capron, SWA
Owner: Elm 101 LLC
Developer: Home Church
Engineer: Sisemore Weisz & Associates, Inc.
Location: North and west of northwest corner of New Orleans Street and Elm Place
Size of Tract 5 acres
Present Zoning: CG
Proposed Zoning: CG
Comp Plan: Level 4

Planned Unit Development (PUD)-17B involves a 5-acre parcel located north and west of the northwest corner of New Orleans Street and Elm Place. With PUD-17B, applicant is proposing a major amendment to PUD-17 to allow Place of Assembly as a permitted use and to develop the property for a place of assembly and commercial uses.

On the proposed Development Area Plan, 37,500 square feet of the existing 50,000-square-foot building would be dedicated to place of assembly use, while 12,500 square feet is proposed to be remodeled for commercial use as Phase I of the development. Phase I will also include removal of the existing hut east of the existing building, rights-of-way and easement dedications and bringing the entire property into compliance with current zoning code requirements unless otherwise noted in the PUD. Phase II is proposed to include the development of a new maximum 7,000-square-foot retail building in Development Area "B" located on the southern portion of the lot along New Orleans Street.

PUD-17 was approved by the City Council in 1980 and included C-2 (now converted to CG) and C-5 (now converted to CH) zoning. While PUD-17 was approved in 1980, this major amendment to the PUD is cause to bring the PUD into compliance with the current 2008 Zoning Ordinance. The property was platted as Lot 2 Block 1 Vandever Acres Center, filed in Tulsa County on January 30, 1981 and is zoned CG. At the time that Vandever Acres Center was platted, 60 feet of right-of-way was dedicated along New Orleans Street, and 50 feet of right-of-way was dedicated along Elm Place. New Orleans Street and Elm Place are classified as

primary arterial streets which requires 60 feet of right-of-way from the section line along each street. In addition, the Subdivision Regulations and the Engineering Design Criteria Manual require 65 feet of right-of-way within 350 of the intersection of two arterial streets. The corners of the property that abut the Mr. Mambo site are 250 feet from the intersection. A 15-foot utility easement was dedicated along the Elm Place frontage but not along the New Orleans Street frontage. Should this request be approved, additional right-of-way and a utility easement will need to be dedicated.

In February 2018, the City of Broken Arrow entered into a contract with Catalyst Commercial to conduct a study to rejuvenate this area and to create a plan to attract private investment and new economic development activity along the retail corridor at the intersection of Elm Place and New Orleans Street. The property that is the subject of this PUD Major Amendment is located within this study area.

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	PUD 3/CG	Medical Office/Sonic Drive In
East	Level 3 and 4	PUD 4/CG	Retail center and church
South	Level 4	CG	New Orleans Street and retail beyond
West	Level 4	PUD-17/CG	Retail

None of the property is located in a 100-year floodplain area.

The property associated with PUD-17B is shown in the Comprehensive Plan as Level 4. Level 4 includes commercial and employment nodes that includes freestanding commercial buildings, shopping centers and office developments. While the approved PUD-17 did not specifically identify place of assembly as a permitted use, Section 3.2.B.6 of the Zoning Ordinance provides for amending the PUD to allow the use.

Policy C-P1 of the Comprehensive Plan states, “The City shall refrain from approving requests for specific Use Permits for uses which could affect the ability to attract quality dining and entertainment facilities within or immediately adjacent to existing or future commercial districts (Level 4 and Level 6 areas) as identified in the Future Development Guide.” Since this policy was adopted, there have been modifications to the regulations pertaining to liquor sales. Dining establishments that receive less than 50 percent of their revenue from alcohol sales are not impacted by the proximity of religious facilities. However, liquor stores and establishments that receive more than 50 percent of their revenue from alcohol sales do have to be located more than 300 feet from a religious facility or public/private school. If PUD-17B is approved, there will be an impact on applications for future liquor stores and facilities that derive 50 percent or more of their income from alcohol sales.

In their meeting of October 25, 2018, the Planning Commission continued PUD-17B (3-1 vote) to the December 6, 2018 meeting to allow the City’s consultant, Catalyst Commercial, time to evaluate how this request corresponds with the study’s results. Several people spoke on this item both for and in opposition to the request. Those in favor cited the difficulty in finding a suitable tenant for the space and the desire to have an entity in the building that is ready to use it. They further stated that multiple uses could co-exist to generate activity and draw traffic to the area, and that the façade rendering for the renovation was appealing. Those in opposition stated concerns regarding the appropriateness of the proposed use, the loss of sales tax revenue, a preference for retail or entertainment, the impact to property owners regarding new users desiring to locate

within 300 feet of the proposed use, and a desire to review the report for revitalization of this commercial area before any decision is made. Staff re-notified property owners within 300 feet of the property of the new public hearing date.

The draft report for the Elm & New Orleans Small Area Plan shows that successful revitalization of this commercial area will be incremental and must focus on a shared vision that provides a strategic framework for each phase of implementation. The plan calls for density and a mix of uses with clustering of retail, dining, entertainment, office and residential uses. Other aspects of the plan include public spaces for people to gather, connectivity between the uses and parking that is accessible to these uses. The report states that observations of the commercial areas through the course of the study have shown less than 25 percent of the total parking supply in use at any given time. The draft report supports mixed-use developments with shared parking that will provide an opportunity to reduce the required parking and create additional opportunity sites for development and an overall stronger district.

In the near term, the City of Broken Arrow should plan for public improvements such as a master-planned streetscape followed by redevelopment of existing commercial properties by the owners of each parcel. In the long term, vacant land to the south and west of the plan area can be developed with a mix of residential and commercial uses that are interconnected with the plan area to provide an expanded customer base within walkable distance. While the plan states that the former Hobby Lobby site is a prime location for future retail, it also acknowledges that with the shifting of retail formats over the last few years, there are fewer expanding big box formats making it more difficult to create or find uses for the larger existing vacant space.

Attachments:

- Published Planning Commission Fact Sheet
- Case map
- Aerial
- PUD Amendment Development Standards
- Vandever Acres Center plat
- Letter from Oil Capital Commercial Real Estate Services
- Email from GBR Properties
- Meeting Agenda Prepared by GBR Properties
- Section 37-518.3.A Able Commission excerpt
- Map showing 300-foot distance from property line

Recommendation:

Based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-17B be approved, subject to the following conditions of approval.

1. Additional right-of-way and utility easement shall be dedicated to meet the current Subdivision Regulations and Engineering Design Criteria Manual.
2. No building permit shall be issued until a detailed site plan has been approved by the Planning Commission as being in compliance with the provisions of PUD-17B and the Broken Arrow Zoning Ordinance.
3. Signage for the site shall meet setbacks from the section line, site triangle clearance, height and sign area requirements.
4. The existing nonconforming three-sided pole sign in the parking area at the east side of the site, as well as the benches located at the pole sign base, shall be removed.
5. Parking shall meet the current requirements set forth in Section 5.4 of the Zoning Ordinance.
6. Site landscaping, including the width of landscape islands, shall be in accordance with Section 5.2 of the Zoning Ordinance.

7. Facades that face the public right-of-way shall be finished with masonry materials such as stone or brick as shown on the elevations (Exhibit F1 and F2 of PUD-17B).
8. Facades on the proposed new building in Development Area “B” shall be finished with masonry materials on all sides.
9. Phase I shall be completed within two (2) years of approval including the commercial area. The actual remainder space in Development Area “A” shall be used for commercial uses that are permitted in the CG zoning district.
10. Phase II shall be completed within three (3) years of approval but may be extended with approval by the Planning Commission.
11. Within the PUD document, references to “PUD-17A” shall be modified to “PUD-17B.”

Reviewed By: Larry R. Curtis

Approved By: Michael W. Skates

JMW