



City of Broken Arrow

Request for Action

File #: 19-236, Version: 1

**Broken Arrow City Council
Meeting of: 02-07-2019**

Title:

Consideration and possible action regarding PUD 266 (Planned Unit Development) and BAZ-1986 (rezoning), Centennial Crossing, 19.64 acres, A-1 to PUD 266/RM, east of N. Elm Avenue, one-quarter mile south of Omaha Street

Background:

Planned Unit Development (PUD) 266 and BAZ-1986 involve a 19.64-acre undeveloped tract located east of N. Elm Avenue, one-quarter mile south of Omaha Street. Applicant is requesting that the zoning on the unplatted property be changed from A-1 to PUD 266/RM (Multi-family Residential).

On September 15, 2015, the City Council approved BACP 146 to change the Comprehensive Plan designation on the property from Level 2 to Level 3, subject to the property being platted and a PUD being submitted that was similar in context to the draft PUD submitted with BACP 146.

PUD 266 is similar in context to the draft PUD submitted with BACP 146. A summary of the differences between the draft PUD, PUD 266, and what the Zoning Ordinance requires is provided below.

Category	Zoning Ordinance	Draft PUD submitted with BACP 146	PUD 266
Permitted Uses	As allowed in the RM District	Limited to multifamily dwellings and customary accessory uses	Limited to multifamily dwellings and customary accessory uses
Maximum Number of Dwelling Units	389 ($19.64 \times 43,560 \div 2,200 = 388.9$)	300 units in Phase I 20 units in Phase II Total 320 units	285 units in Development Area A 35 units in Development Area B Total 320 units
Minimum Livability Open Space per unit	1,200 square feet	1,200 square feet	1,200 square feet

Maximum Building Height	No restriction	45 feet, buildings limited to 3 stories in height, except for building that are located within 100 feet of the north, east, and west boundaries are limited to two stories. In Phase II, building limited to two stories.	<u>Development Area A</u> - 3 stories, except buildings located within 100 feet of the north, east, and west boundary limited to 2 stories. <u>Development Area B</u> - 3 stories, except buildings located within 100 feet of the east boundary limited to 2 stories.
Minimum building setbacks	35 feet unpaved, 75 feet with parking	North property line - 40 feet West property line - 50 feet East property line - 60 feet South property line - 25 feet Internal property lines - 0 feet	<u>Development Area A</u> North property line - 35 feet West property line - 50 feet East property line - 35 feet South property line - 25 feet Internal property lines - 25 feet <u>Development Area B</u> North property line - 25 feet West property line - 35 feet with no parking, 75 feet with parking East property line - 25 feet South property line - 25 feet
Maximum building length	160 feet	200 feet	<u>Development Area A</u> 200 feet <u>Development Area B</u> 160 feet
Minimum distance between buildings	20 feet	20 feet	20 feet
Minimum off-street parking	2 per unit	1.5 per one bedroom and 2 per two bedroom unit	1.5 per one bedroom and 2 per two bedroom unit
Maximum building coverage	50%	50%	30%

Building design requirements	At least 60% of the exterior of the building, excluding doors and windows, shall be constructed of but not limited to masonry, concrete panels, Exterior Insulated Finished Systems, and/or stucco. In addition, 20% of the street facing façade shall be constructed of natural brick or masonry rock.	Exterior building walls within 150' of north and west boundary shall have a minimum masonry finish of either brick and/or stone of not less than 65% excluding windows and doors at perimeter facing walls and associated sidewalls. All other exterior building walls shall have a minimum masonry finish of either brick and/or stone of not less than 25% excluding windows and doors.	<u>Development Area A</u> Exterior walls within 150' of the north or west boundary of the Development Area shall have a minimum masonry finish of not less than 65% of brick or masonry rock of perimeter facing walls. All other walls shall be constructed of not less than 25% of brick or masonry rock, excluding windows and doors. <u>Development Area B</u> Exterior walls within 100' of the west boundary or 50' of the north boundary of the Development Area shall have a minimum masonry finish of not less than 65% of brick or masonry rock for perimeter facing walls. All other walls shall be constructed of not less than 25% of brick or masonry rock, excluding windows or doors.
Street design and access	Curb cuts on the same side of an arterial street are to be spaced at least 250 feet apart, centerline to centerline.	Access points shall meet the requirements of the Zoning Ordinance.	With the existing raised median, the requirement to have access points on the same side of the street be spaced 250 feet apart, centerline to centerline, will not be required.

Sidewalks	5-foot wide sidewalk required along arterial streets, 4-foot wide required along other streets.	Public sidewalks to be constructed on both sides of the boulevard street by the developer.	Sidewalks to be constructed per the Subdivision Regulations. In addition, a sidewalk will be constructed by the developer along the side of the proposed road extension where the extension directly abuts the Broken Arrow Public School property. Sidewalk will be constructed at the same time as the road extension along the north property line.
Landscaping	35-foot wide landscape buffer required around the perimeter of the property. Tree requirements consist of one tree per 50 feet of street frontage, two trees per unit, and one tree per 10 parking spaces. In addition, five shrubs shall be provided per dwelling unit.	Per the Zoning Ordinance, except that only one 3-inch caliper tree required per dwelling unit. In addition, 7.5 three gallon and 5 one gallon shrubs required per dwelling unit. Landscape edge required to be 50 feet along west boundary, 35 feet along north boundary, and 25 feet along remaining boundaries. In addition, the landscape islands in the parking lot can be replaced with walkways that connect to breezeways.	Per the Zoning Ordinance, except that along the south boundary of Development Area A and north and east boundary of Development Area B, the width of the landscape edge is reduced from 35 feet to 25 feet. In addition, the landscape islands in the parking lot can be replaced with walkways that connect to breezeways.

According to the FEMA maps, none of the property associated with PUD 266/BAZ-1986 is located within a 100-year floodplain area. According to the design statement for PUD 266, a detention facility will be constructed at the northeast corner of the property and extend onto the Broken Arrow school property. The detention facility will be designed to accommodate the needs of the Broken Arrow school property, the proposed multifamily developments, and the future single family residential tracts.

In their meeting of October 12, 2017, the Planning Commission recommended approval (4-1 vote) of PUD 266 and BAZ-1986, subject to the property being platted. During the Public Hearing, one speaker spoke in support of the application. The property owner to the south expressed support for the application, but was concerned about the reduction in the width of the landscape buffer along the south boundary from 35 feet to 25 feet. Three residents in the Country Lane addition to the east expressed concern about the impacts (increase in traffic and crime) the proposed development could have on their neighborhood.

Both items were placed on the November 7, 2017 City Council meeting agenda for consideration. The items were then continued to the Council Meeting of November 21, 2017. At that meeting, two of the Council Members left the meeting and did not participate in the discussion or the vote. At least seven (7) residents were present at the meeting and expressed concerns about this project. Two of the remaining Council Members voted in favor of the project. One of the remaining Members voted against it. At the time of the vote, it was determined that if a protest was made regarding a proposed change in zoning then a three-fifths favorable vote of all members was required to make the change. It was announced at the meeting the motion for approval had failed.

Following the meeting City Staff, including the Legal Department, began the process of evaluating the law and the process involved in this matter and on November 29, 2017, the applicant requested that the City review the decision. Section 6.3.D.g.iii of the City of Broken Arrow Zoning Ordinance states in regards to protests, "Any owner of property effected by a proposed (map) amendment may protest the amendment pursuant to the statutory requirements of O.S. (Oklahoma Statutes) Title 11 Section 43-105."

Title 11, Section 43-105 of the Oklahoma State Statutes provides as follows:

A. Regulations, restrictions and district boundaries of municipalities may be amended, supplemented, changed, modified or repealed. The requirements of Section 11-43-104 of this title on public hearings and notice shall apply to all proposed amendments or changes to regulations, restrictions or district boundaries.

B. Protests against proposed changes shall be filed at least three (3) days before the date of the public hearings. If protests are filed by:

1. The owners of twenty percent (20%) or more of the area of the lots included in a proposed change, or
2. The owners of fifty percent (50%) or more of the area of the lots within a three hundred (300) foot radius of the exterior boundary of the territory included in a proposed change; then the proposed change or amendment shall not become effective except by the favorable vote of three-fourths of all the members of the municipal governing body where there are more than seven members in the governing body, and by three-fifths favorable vote where there are seven or less members in the governing body.

In accordance with State Law, the public hearing was held by the Planning Commission on October 12, 2017. No protests were filed with the City Clerk's office three (3) days before the date of the public hearing. As such, a three-fifths vote, otherwise known as a super-majority, was not required for approval of BAZ-1986 and PUD-266.

To maximize transparency City Staff proposed reconsideration of this matter before the Broken Arrow City Council at the regularly scheduled meeting of January 16, 2018. On February 20, 2018, the City Council considered Ordinance No. 3512, an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1986, granting PUD-266 (Planned Unit Development) and Residential Multi-Family zoning classification. At that meeting the ordinance failed by a vote of 2-1(two of the remaining

Council Members voted in favor of the project. One of the remaining Members voted against it). State law requires for an ordinance to be approved, a minimum of three members of the municipal governing body is required. Within the meeting it was noted there were councilor concerns about traffic congestion, school overcrowding, and drop off and pick-up safety for children as well as maximizing proper infrastructure.

On September 13, 2018, Brown & Perkins submitted its development plans. On October 26, 2018 Brown & Perkins, LLC (applicant for BAZ-1986 & PUD-266) filed a civil action against the City of Broken Arrow challenging the failure of Ordinance No. 3512.

On December 20, 2018, Brown & Perkins submitted information for staff to review. This information included street layout and initial site development. The applicant for BAZ-1986 and PUD-266 believes with this information that the concerns raised at the January 16 and February 20, 2018 meetings have been resolved.

Staff has reviewed the submitted information and found that it corrects concerns of traffic congestions, pick-up safety concerns for children. It is noted that the proposed submitted PUD must be amended in order to alleviate these concerns. On page 3 of the design statement of the PUD, the requirement for the “road extension along the northern property line to be constructed with a raised landscape median between Elm Street and the drive connection to the school property” will need to be removed. The reason for this is to allow for better traffic flow and emergency access/ turnaround.

Cost: \$0

Funding Source: None

Requested By: Michael Skates, Development Services Director

Approved By: Michael L. Spurgeon, City Manager

Attachments: Fact Sheet Planning Commission
Case Map PUD 266/Baz-1986
Radius Map PUD 266/BAZ-1986
Aerial Photo PUD 266/Baz-1986
Case Map BACP 96
Case Map BACP 146
PUD 266 Design Statement And Site Plan
Draft Design Statement Submitted With BACP 146
Draft Street Design And Layout

Recommendation:

Approve PUD 266 and BAZ-1986 as recommended by the Planning Commission and Staff with the following conditions:

1. Removal of “road extension along the northern property line to be constructed with a raised landscape median between Elm Street and the drive connection to the school property” of page 3 of the proposed

PUD design statement .

2. Drainage and Infrastructure shall conform to City Code Requirements & Design Standards. The layout and design shall be coordinated through city staff.
3. The layout of the facility shall allow for additional sidewalk access along the eastern side of the property for pedestrian use. This layout shall be coordinated with city staff.