



City of Broken Arrow

Request for Action

File #: 19-634, Version: 1

**Broken Arrow City Council
Meeting of: 06-03-2019**

Title:

Consideration, discussion, and possible approval of PUD-290 (Planned Unit Development), Riverbrook Apartments, 14.56 acres, RM (Residential Multifamily) to PUD-290/RM, one-half mile south of Jasper Street (131st Street), east of Aspen Avenue (145th East Avenue)

Background:

Planned Unit Development (PUD)-290 involves a 14.56 acre parcel located one-half mile south of Jasper Street (131st Street), east of Aspen Avenue (145th East Avenue). The property is presently zoned RM (Residential Multifamily). The RM zoning on the property was approved by the City Council on January 17, 1972, as part of BAZ-308, which was part of four rezoning applications in the area. On January 20, 1972, Ordinance 416 was approved by the City Council that changed the zoning on the property from R-1 to R-5. On February 1, 2008, the Zoning Ordinance was updated and the R-5 district was changed to RM.

Applicant is interested in developing an apartment project on the property. The development is proposed to occur in two phases. The first phase, which consists of 6.70 acres, will contain 72 total units (28 one bedroom units, 22 two bedroom units, and 22 three bedroom units). According to the design statement submitted with the PUD, the property will be developed in accordance with the Broken Arrow Zoning and the development regulations associated with the existing RM zoning except as summarized below.

SUMMARY OF DEVIATION FROM THE BROKEN ARROW ZONING ORDINANCE

Item	Broken Arrow Zoning Ordinance	PUD-290 Request
Units allowed (Phase 1)	133 units	72 units

Building setback and landscape buffer	A 35 foot wide unpaved area must be provided from property lines. Buildings must setback 75 feet from property lines when there is parking between the building and the 35 foot wide unpaved area.	For financing reasons, applicant is proposing to split the property into two lots. They will meet the requirements of the Zoning Ordinance around the perimeter boundaries of the property. But are requesting that the building setback and landscaping requirements on the interior property line they are creating be modified. They will provide a 17.5 foot utility easement on the north side of the interior lot line.
Building Height	No restriction, except when abutting single family residential, buildings shall setback two feet for every foot in height above 35 feet. For example, a 45 foot high building, the structure would need to setback 65 feet from the residential property line.	Two story buildings limited to 25 feet in height, three story buildings limited to 45 feet to the highest roof ridgeline.
Off Street Parking	Two spaces per unit	Two spaces per unit, except for one bedroom apartments, the number of parking spaces is reduced to 1.5 spaces per unit.
Screening	Screening fence between 6 feet and 10 feet in height required when RM area abuts any RE or RS district.	A security fence of at least 6-feet in height will be installed outside the 100-year floodplain along the northeast boundary. Fence is not required to be opaque.
Building location	No more than three structures shall be located continuously on the same building line, or within 30 feet of such building line established.	In Phase 2 only, change to allow up to four structures to be located continuously on the same building line, or within 30 feet of such building line established.

The property associated with PUD-290 is designated as Greenway/Floodplain in the Comprehensive Plan. In 1997 when the Comprehensive Plan was adopted, the property was shown on the 1984 Federal Emergency Management Agency (FEMA) maps to be located entirely in the 100-year floodplain (1 percent chance of flooding). The 1999 FEMA maps continued to show the property in the 100-floodplain. In 2009, however, there was a change. The 2009 FEMA maps shows most of the property to be located in the 500-year floodplain

(0.2 percent chance of flooding) with just the area along north/east boundary and part of the south boundary being located in the 100-year floodplain. While no development is allowed to occur in the 100-year floodplain, development is permitted in the 500-year floodplain. The FEMA maps prepared in 2012 and 2016 continue to show most of the property in the 500-year floodplain with just the area along the north/east boundary and along part of the south boundary being located in the 100-year floodplain.

With the existing RM zoning, the area located outside the 100-year floodplain should have been designated as Level 3. RM zoning is considered to be in conformance with the Comprehensive Plan in Level 3. With PUD-290 applicant is proposing to develop the property in accordance with the RM zoning district except for the following

- Restrict the number of units allowed in Phase 1 to 72 units instead of the 133 allowed in the Zoning Ordinance.
- Limit the height of structures to 45 feet for three story units and 25 feet for two story units as compared to the height limits allowed in the RM district. In the adjacent neighborhood to the northeast that is zoned R-2, the height of the structures is limited to 50 feet.
- Reduce the parking requirement for one bedroom units from 2 parking spaces per unit to 1.5 parking spaces per unit.
- Instead of an opaque fence along the northeast boundary, a security fence will be installed along the northeast boundary along a tree lined creek. According to the conceptual site plan, the closest multifamily structure is located approximately 100 feet from the north/east property line adjacent to the existing single family residential neighborhood.
- Only in Phase 2, there will be four units located on the same building plane along the south boundary instead of three. This boundary abuts a large AEP/PSO power line.

According to Section 6.4 of the Zoning Ordinance:

The PUD provisions are established for one (1) or more of the following purposes:

1. To permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties.
2. To permit greater flexibility within the development to best utilize the physical features of the particular site in exchange for greater public benefits than would otherwise be achieved through development under this Ordinance.
3. To encourage the provision and preservation of meaningful open space.
4. To encourage integrated and unified design and function of the various uses comprising the planned unit development.
5. To encourage a more productive use of land consistent with the public objectives and standards of accessibility, safety, infra structure and land use compatibility.

In Staff's opinion, PUD-290 satisfies items 1, 2, and 3 of Section 6.4.A of the Zoning Ordinance. (1)Applicant is limiting the number of units in Phase 1 to 72, which is 46 percent less than what is allowed in the RM district. Building height is limited to 45 feet for 3 story units, which is less than the 50 feet allowed on the adjacent property to the northeast. Applicant is requesting relief from the landscaping and building setback required from the interior property line that is being created. (2 and 3) Open space is being maintained on the

south part of the property. The privacy fence will be located on the north side of the AEP/PSO power lines, which will allow the area under the lines to continue to be used for soccer, which is a benefit to the public. In addition, the tree lined creek along the north/east boundary is being preserved. Reducing the number of required parking spaces for one-bedroom units reduces the number of parking spaces, which reduces the amount of impervious surface.

Water and sanitary sewer service will be provided by the City of Broken Arrow. Aspen Avenue from the Indian Spring Sports Complex to Jasper Avenue is presently a four lane divided boulevard arterial street. North of Jasper Street, Aspen Avenue narrows to two lanes. As part of a 2018 general obligation bond, Aspen Avenue is to be widened from the Indian Springs Sports Complex to Tucson Street. The design of this street improvement will begin in 2020. A date for construction to start has not been established yet.

PUD-290 was reviewed by the Planning Commission on May 9, 2019. At this meeting, three people spoke in opposition to the proposed PUD. Some of the concerns expressed by the speakers included opposition to apartments, children playing in the creek since the initial PUD design statement proposed not to have a fence along the north/east boundary, decrease in the required number of parking spaces would cause parking problems in the sports complex, prefer that the property be used by the adjoining sports complex or used for single family residential, will cause an increase in traffic and traffic is already a problem on Aspen Avenue during sporting events, there will be an increase in storm water runoff that will impact the banks of the creek, and why are additional apartments needed when the adjacent apartments to the north are not fully occupied. After reviewing the information presented in the Staff report and listening to the comments expressed during the public hearing, the Planning Commission recommended approval (5-0) of PUD-290 per Staff recommendation and subject to the property being platted. Staff had recommended that a security fence of at least 6-feet in height be located outside the 100-year floodplain along the north/east boundary. The fence was not required to be opaque. It was further noted that the property owner would still be responsible for the maintenance of the area between the fence and the north/east property line. The applicant has made the changes to the PUD document requested by Staff and the Planning Commission.

A protest petition was submitted. INCOG identified the property owners who own property within the 300 foot radius that signed the application. They have determined that these property owners represent 15 percent of the land area within 300 feet of the property. According to Title 11, Section 43-105 of the Oklahoma State Statutes, at least 50 percent or more of the land area of the lots within a 300 foot radius of the exterior boundary of the territory included in a proposed change is needed to require the favorable vote of three-fourths of the City Council. Since the property owners who signed the petition represents less than 50 percent of the land area within a 300 foot radius, only a simple majority vote is required to approve PUD-290.

Cost: \$0

Funding Source: None

Requested By: Larry R. Curtis, Acting Director of Development Services

Approved By: City Manager's Office

Attachments: Published Planning Commission Fact Sheet
Case map
Aerial with floodplain
1997 Comprehensive Plan

Revised design statement for PUD-290
Information associated with BAZ-308
Ordinance 416
1984 Floodplain map
1999 Floodplain map
2009 Floodplain map
2012 Floodplain map
2016 Floodplain map
Google Earth picture looking northeast from the southwest corner of the property
Protest petition submitted to the Planning Commission
Protest petition map

Recommendation:

Approve PUD-290 as per Planning Commission and Staff recommendation.