



# City of Broken Arrow

## Request for Action

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**File #: 19-840, Version: 1**

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**Broken Arrow City Council  
Meeting of: 07-16-2019**

**Title:**

Approval of PUD-249A (Planned Unit Development), a major amendment to PUD-249, Bluebird Storage Facilities, 6.50 acres, IL (Industrial Light)/PUD-249 to IL/PUD-249A, south of Washington Street (91st Street), one-quarter mile east of the Creek Turnpike

**Background:**

Planned Unit Development (PUD)-249A involves a 6.50 acre parcel located south of Washington Street (91st Street), one-quarter mile east of the Creek Turnpike, and about one-quarter mile west of State Highway 51. The property is presently zoned IL (Industrial Light) and is a part of PUD-249. PUD-249 and BAZ-1952 (A-1 to IL) were approved by the City Council on March 1, 2016. PUD-249 limited the use of the property to storage and accessory uses. The City Council also specified that the storage of salvage vehicles, as well as salvage activity, would not be allowed on the property. During the past couple of years, the property has been used for the storage of recreational vehicles.

With PUD-249A, applicant is requesting to split the property into two parcels and create two Development Areas, A and B. Development Area B, the east parcel, will continue to be regulated by development regulations associated with PUD-249, and the use is limited to storage and accessory uses. With PUD-249A, applicant is requesting that within Development Area A, the west parcel, that the uses permitted be changed to those allowed by right or Specific Use Permit in the IL district.

The property associated with PUD-249A was initially used as horticulture nursery. SP-244 was approved by the City Council on October 10, 2010, subject to the property being platted. The property was platted as Bluebird Garden Center. The plat was recorded in Wagoner County on February 1, 2012. The horticulture nursery was closed a couple of years later, and the property was acquired by Aspen Square, Inc.

The property is not connected to a sanitary sewer line. When the horticulture nursery was built, a sanitary sewer lagoon system was constructed to serve the office. When the recreational vehicle storage facility was implemented, the office building remained connected to the sanitary sewer lagoon. With PUD-249A, applicant is requesting that the uses permitted be changed to those allowed by right or Specific Use Permit in the IL district. Therefore, there could be additional flows into the sanitary sewer lagoon. According to the applicant, they have checked the Oklahoma Department of Environmental Quality (DEQ) statutes, and they are okay to use the sanitary sewer lagoon to serve future industrial uses in Development Area A.

PUD-249, which was done by a different applicant, was approved by the City Council on March 1, 2016. The site plan was approved by Staff in January 2017. On June 20, 2019, Staff visited the site and observed several items that were not in compliance with the PUD approved by the City Council nor the site plan approved by Staff. In the following statements, the requirement of the PUD is stated first in *italics*, followed by what was constructed on site in parenthesis.

1. *Landscape Area: 10% of the gross land area.* (The site contains 6.50 gross acres or 283,140 square feet. At 10% of the gross land area, at least 28,314 square feet of landscape open space should be provided. According to measurements from Google Earth aerials, only about 3,268 feet of landscape open space has been provided.)
2. *Landscape Area: Note: A landscape edge of at least 10' - 0" in width shall be provided along Washington Street. In this landscape edge at least one large evergreen tree shall be planted and maintained for every 30 linear feet of frontage. No landscaping is required in the interior the project.* (Between the drives it appears that a 10 foot wide landscape area has been provided along part of Washington Street. However, on the opposite side of the drives, the area adjacent to the fence has been paved. No evergreen trees have been installed. A landscape plan was submitted, but it was never approved by Staff.)
3. *Lighting used to illuminate the Site shall meet the Broken Arrow Zoning Ordinance and be so arranged as to shield and direct the light away from adjacent properties.* (The Broken Arrow Zoning Ordinance does not allow light poles to be installed in utility easements next to street right-of-way. The approved site plan did not show any light poles, and contained the following statement "No Outdoor Light Poles". A light pole has been installed in the northeast corner of the property, which does not meet the requirements of the Zoning Ordinance or PUD-249.)
4. *Utilities are either available at the development boundaries or will be provided by customary extension adjacent to the Site.* (Sanitary sewer was not extended to the site. The existing lagoon that was installed with the horticultural nursery continues to be used. The applicant with PUD-249A has checked with the Department of Environmental Quality statutes and are satisfied that the lagoon can continue to be used for future industrial uses. They have incorporated this into PUD-249A.)
5. *An eight foot high privacy fence will be installed around the site perimeter for security purposes. The fence shall meet the requirement of the Broken Arrow Zoning Ordinance.* (A chain link fence with three strands of barb wire has been installed around the perimeter of the property. Section 5.2.E.3.d of the Zoning Ordinance specifically states that chain link fence shall be prohibited. The approved site plan showed an eight-foot high cedar fence. With the design statement submitted on June 26, 2019, applicant has stated that the existing eight foot high perimeter chain link fence will have screening slats added to provide an eight-foot high screening fence.)
6. *5-foot wide sidewalk required.* (Sidewalk has not been installed.)
7. *A free standing sign pole sign may be constructed along the North property line.* (No freestanding signs have been installed. Instead, an off-premise sign has been installed on the southwest corner of Highway 51 and Washington Street. Off-premise signs are not allowed by the Zoning Ordinance.)

The property has been platted as Bluebird Garden Center. Applicant does not propose to replat the property. Instead, they will be proposing to submit a lot split to the Planning Commission. They have revised an earlier exhibit that was submitted, and the existing sanitary sewer lagoon is now shown to be entirely in Development Area A and will be maintained by the property owner of Development Area A.

The existing parking lot and traffic circulation for the recreational vehicle storage passes over both proposed lots. According to the applicant, a mutual access easement between the two lots will be recorded. If the

development of Development Area A generates the need for water lines and fire hydrants to be extended, they will be extended at that time.

The property associated with PUD-249A is designated as Level 6 in the Comprehensive Plan. IL zoning is considered to be in accordance with the Comprehensive Plan when done as part of a PUD.

None of the property is located in the 100-year floodplain. When Bluebird Garden Center was platted, the south one-third of the property was designated as an “Overland Drainage Easement”. According to the covenants associated with the plat, “...that within the detention easement depicted on the accompanying plat no building, structure or other above or below ground obstruction shall be placed, erected, installed or maintained, provided however, nothing shall be deemed to prohibit drives, parking areas, curbing and landscaping that do not constitute an obstruction.” Therefore, per the existing plat, no buildings will be allowed on the south one-third of the property.

Water service is provided by Rural Water District #4. The existing sanitary sewer lagoon on the property is proposed to continue to provide sanitary sewer service. As part of the revised design statement submitted on June 26, 2019, it will be a requirement for the users of the sewage lagoon to connect to the sanitary sewer system when sanitary sewer lines are extended to within 300 feet of the site.

PUD-249A was reviewed by the Planning Commission on June 27, 2019. No one spoke during the Public Hearing session on this item. Staff had recommended that the property come into compliance with PUD-249, PUD-249A, and the approved site plan by January 1, 2020, including the removal of the off-premise advertising sign on the southwest corner of Washington Street and Highway 51. Applicant has acknowledged they were in agreement and will bring everything into compliance. They will notify Staff when the property is in compliance. The warranty deeds associated with any lot split on this property will not be stamped or recorded until the property is brought into compliance with PUD-249, PUD-249A, the approved site plan, and all landscaping shall be installed in accordance with an approved landscape plan. After reviewing the information presented in the Staff report and information presented at the meeting, the Planning Commission recommended approval (4-0) of PUD-249A that includes the design statement submitted on June 26, 2019, as per Staff recommendation.

**Cost:** \$0

**Funding Source:** None

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

**Approved By:** City Manager’s Office

**Attachments:** Published Planning Commission Staff Report  
Case map  
Google Earth Aerial photo  
Comprehensive Plan  
Revised PUD-249A design statement.06-26-2019  
PUD-249 approved PUD document  
Approved site plan  
Bluebird Garden Center plat  
Pictures  
Landscape area measurement

Email from applicant

**Recommendation:**

Approve PUD-249A as per Planning Commission and Staff recommendation.