



City of Broken Arrow

Request for Action

File #: 19-1380, **Version:** 1

Broken Arrow Planning Commission
11-07-2019

To: Chairman and Commission Members
From: Development Services Department

Title: Public hearing, consideration, and possible action regarding PUD-205C (Planned Unit Development Minor Amendment), Tiger Hill Plaza, 5.22 acres, PUD-205B/CG, located on the southwest corner of Kenosha Street (71st Street) and 9th Street (177th E. Avenue)

Background:

Applicant: THP LLC, an Oklahoma LLC
Owner: THP LLC, an Oklahoma LLC
Developer: THP LLC, an Oklahoma LLC
Location: Southwest corner of Kenosha Street (71st Street) and 9th Street (177th E. Avenue)
Size of Tract 5.22 acres
Present Zoning: PUD-205B
Proposed Zoning: PUD-205C/CG
Comp Plan: Level 6

Planned Unit Development (PUD)-205C involves a 5.22-acre parcel located on the southwest corner of Kenosha Street (71st Street) and 9th Street (177 E. Avenue), also known as Tiger Hill Plaza.

On December 15, 2009, the City Council approved BACP-106 to change the Comprehensive Plan designation on the property from Levels 3 and 6 to Level 6, subject to the property being platted. On August 3, 2010, the City Council approved PUD-205 (Planned Unit Development) and BAZ-1850 (Rezoning) for Hillside Park, subject to the property being platted. At that time, the overall property was a 38-acre tract, owned by the City of Broken Arrow that contains three large water tanks and two telecommunication towers with numerous communication antennas on top of the hill.

As part of PUD-205, the property was divided into three development areas. The south area known as Development Area A is zoned for industrial use (IL, Industrial Light) and was leased to Flight Safety. Development Area B is zoned for commercial use (CG, Commercial General) and includes the north area of the site along Kenosha Street to the intersection of 9th Street (177th E. Avenue/Lynn Lane) and extending south approximately 488 feet along 9th Street. Development C is zoned industrial (IL) and includes the central “hill” portion of the site. It was recognized at that time that SP-103 (approved by the City Council on November 18, 1996), a Specific Use Permit for water towers, telecommunication antennae, structures for the telecommunication equipment and switching gear, would continue as it existed.

On September 7, 2010, the City Council approved BACP-113, BACP-114, and BACP-115 to change the Comprehensive Plan designation three residential lots totaling 3.44 acres from Level 2 to Level 6, subject to the property being platted. Some amendments to PUD-205 have been approved including PUD-205A along with BAZ-1853, BAZ-1854 and BAZ-1855, approved by City Council on October 5, 2010. This major amendment incorporated three additional lots totaling 3.44 acres into PUD-205 and rezoned the lots from R-3 (Single-family Residential) to IL (Industrial Light) increasing the overall area of the PUD to 41.44 acres. The additional 3.44 acres was incorporated into Development Area A.

The Hillside Park plat was recorded in Tulsa County on July 25, 2011 and later replatted as Tiger Hill Plaza, recorded in Tulsa County on December 12, 2012. On November 3, 2016, the Planning Commission conditionally approved a lot split (BAL-2003) to split a 30.24-acre portion of the site into five tracts to accommodate the sale of the commercial tract and for construction of a retaining wall.

On June 20, 2011, the Broken Arrow City Council approved a major amendment to the PUD (PUD-205B) to credit the preservation of existing trees in lieu of installing new trees along the west property line, and to allow a black vinyl, chain-link fence in the southeast part of the PUD instead of an opaque fence. On August 16, 2016, the Planning Commission approved a minor amendment (PUD-205B1) to modify the development boundaries allowing Tract “A1” to be combined with Development Area “B”.

THP LLC is proposing to construct a commercial center on the property. The recorded Tiger Hill Plaza plat identifies two access points along the Kenosha Street frontage and areas with Limits of No Access (LNA) including one that extends westward a distance of 517.56 feet from the intersection with 9th Street. With PUD-205C, applicant is proposing a second access point along the Kenosha Street frontage for Lot 2 Block 1 (Development Area B). A Change of Access will need to be processed to accommodate the access points. The centerline of driveways may be reduced from the standard two hundred fifty feet (250') away from the centerline of the intersecting street. In addition, all curb cuts may be reduced from the standard spacing of two hundred fifty feet (250') apart, centerline-to-centerline. Also, the centerline of the access point may be reduced from the standard two hundred feet (200') from any access points on the opposite side of the arterial street when a raised center median within the arterial is not present. The number of driveways along collector frontage may be limited to one (1) per one hundred fifty feet (150') of lot width.

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 (2019)	Zoning	Land Use
North	Level 6	PUD-271A/CH and IL	Commercial center
East	Level 6	CN, CG and CH	Commercial center
South	Level 6 and Public	IL	Water towers, communication towers and industrial
West	Level 6 and 3	IL	Farm Credit Service and church

The property associated with PUD-205C is designated as Level 6 in the Comprehensive Plan recently adopted by the City Council. CG (Commercial General) zoning is considered to be in conformance with the Comprehensive Plan in Level 6.

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-205C satisfies items 1, 2, 4 and 5 of Section 6.4.A of the Zoning Ordinance. (1) Two existing driveways have been established as shared access with Development Area A, thereby helping to assure compatibility with adjoining and proximate properties. An additional access points will provided along Kenosha Street. The existing PUD limits the freestanding sign height to 15 feet which makes it compatible with the development on the north side of Kenosha Street. (2) The site is set above the roadway, and the building site is established to work between the sloped frontage and the retaining walls on the site. The site will be designed to utilize the physical features of the site. (4) Two points of access to Kenosha Street and 9th Street are shared with the adjacent properties creating a unified design with future development. (5) This commercial center will provide pedestrian connections to the existing public sidewalks, thereby avoiding obstacles in the public right-of-way and making safer pedestrian travel.

According to FEMA maps, none of the property is located in a 100-year floodplain area. Water and sanitary sewer service will be provided by the City of Broken Arrow.

Attachments: Case map
Aerial
Design Statement for PUD-205C
Approved PUD-205
Recorded Tiger Hill Plaza Plat
Deed of Dedication and Covenants
Lot Split Warranty Deed and Exhibit

Recommendation:

Based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-205C be approved, subject to the following condition of approval.

1. A Change of Access shall be recorded in Tulsa County to amend the access points along Kenosha Street.

Reviewed and approved by: Larry R. Curtis

JMW