



# City of Broken Arrow

## Request for Action

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**File #: 20-332, Version: 1**

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**Broken Arrow Planning Commission  
05-14-2020**

**To:** Chairman and Commission Members  
**From:** Development Services Department  
**Title:** Public hearing, consideration, and possible action regarding PUD-303 (Planned Unit Development) and BAZ-2048 (Rezoning), Fiesta Mart, 2.32 acres, A-1 to PUD-303/CG, located on the northwest corner of New Orleans Street (101<sup>st</sup> Street) and 23<sup>rd</sup> Street (193<sup>rd</sup> E. Avenue/County Line Road)

**Background:**

**Applicant:** Lou Reynolds, Eller & Detrich, P.C.  
**Owner:** Weister O. Smith, Trustee  
**Developer:** Fiesta Mart  
**Engineer:** Nicole Watts, KKT Architects, Inc.  
**Location:** Northwest corner of New Orleans Street (101<sup>st</sup> Street) and 23<sup>rd</sup> Street (193<sup>rd</sup> E. Avenue/County Line Road)  
**Size of Tract** 2.32 acres  
**Present Zoning:** A-1 and A-CN  
**Proposed Zoning:** PUD-303/CG  
**Comp Plan:** Level 4

Planned Unit Development (PUD)-303 involves a 2.32-acre parcel located on the northwest corner of New Orleans Street (101<sup>st</sup> Street) and 23<sup>rd</sup> Street (193<sup>rd</sup> E. Avenue/County Line Road). In conjunction with PUD-303, applicant has submitted BAZ-2048, a request to change the underlying zoning from A-1 (Agricultural District) and A-CN (Annexed Commercial Neighborhood) to CG (Commercial General). Part of the property has been platted as County Line Food Mart. The plat was recorded in Tulsa County prior to being annexed into the City of Broken Arrow. Therefore, the existing plat was not done to City of Broken Arrow standards. A building that was associated with a convenience store that was previously located on the property remains, but it has not been used for several years.

Due to Public Notice requirements, this item was continued from the May 7, 2020, Planning Commission meeting to the May 14, 2020, Planning Commission meeting. Zoning notice signs have been placed correctly on the property.

The property associated with PUD-303 is proposed to be developed as a single lot subdivision with multiple tenants. According to the design statement, a Fiesta Mart convenience store, along with an accessory car wash, and a Burger King Restaurant, is planned to be located on the property.

Two points of access are proposed to 23<sup>rd</sup> Street and one point of access is proposed to New Orleans Street. According to the Zoning Ordinance, the centerline of access points on arterial streets are required to be 250 feet from any street intersection and 250 feet, centerline to centerline, from any access point on the same side of the street. The centerline of the southernmost access point on 23<sup>rd</sup> Street is 250 feet from the centerline of the intersection between 23<sup>rd</sup> Street and New Orleans Street. Because of the amount of frontage available on the parcel, applicant is requesting with PUD-303 that the centerline of the northernmost access point on 23<sup>rd</sup> Street be located 245.45 feet from the south access point. According to the design statement, for developments such as what is being proposed, two access points are necessary to operate businesses thereon and to efficiently and safely allow vehicles to enter and exit the property. When the property was platted in Tulsa County, there were two points of access to 23<sup>rd</sup> Street, but they were only 180 feet from the centerline of the intersection and only 145 feet apart, centerline to centerline. One point of access is proposed to New Orleans Street. The centerline of this access point is proposed to be located 217.61 feet from the intersection of New Orleans Street and 23<sup>rd</sup> Street. Storm water detention facilities occupy the western 75 feet of the property. Therefore, with PUD-303, applicant is requesting to reduce the separation requirement on New Orleans Street from 250 feet to 217.61 feet.

The property associated with PUD-303 is proposed to be developed in accordance with the City of Broken Arrow Zoning Ordinance and the use and development regulations of the CG district, except as summarized below.

SUMMARY OF DEVIATION FROM THE BROKEN ARROW ZONING ORDINANCE

Item	Broken Arrow Zoning Ordinance	PUD-303 Request
Permitted uses	As allowed in the CG district	Reduces the number of uses allowed.
Building setbacks from street right-of-way	50 feet	50 feet, except canopies over gasoline pump facilities are allowed to be located within 20 feet of the right-of-way along 23 <sup>rd</sup> Street and within 45 feet of the right-of-way along New Orleans Street.
Building setback from north and west boundaries	1 story: 50 feet	30 feet
Building height	None	35 feet

Architectural requirements	Vertical exterior that face a public street are to consist of masonry, concrete panels, glass block, glass curtain walls, EIFS, or stucco. There are no requirements on sides not facing a street.	The exterior of the buildings will comply with the Zoning Ordinance. In addition, the columns for the canopy will be fully wrapped in masonry, brick, EIFS or stucco, provided EIFS shall not be the primary building material.
Landscape area	Ten feet along the arterial street and all parking spaces must be within 50 feet of a landscape area. In addition, at least 10% of the site must be landscaped open space.	Landscape areas will be in accordance with the Zoning Ordinance, except for three parallel parking spaces on the south end of the property will be more than 50 feet from a landscape area. In addition, 24% of the site will be landscaped open space.
Tree species	Trees classified as small, medium, and large are allowed.	All trees will be medium to large, unless there are conflicts with overhead power lines, in which, small trees are permitted.
Access points	250 feet from the centerline of the intersection of two arterial streets. In addition, access points on the same side of the street must be at least 250 feet apart, centerline to centerline.	Two points of access are proposed to 23 <sup>rd</sup> Street. These two access points will be 245.45 feet apart, centerline to centerline. One point of access to New Orleans, the centerline of which will be 217.61 feet from the street intersection.

#### 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 3	A-1	Undeveloped.
East	Private recreation and floodplain	A-CG	Boy Scout Camp

South	Level 4	A-1	Undeveloped
West	Level 3	A-1	Undeveloped

The property associated with PUD-303 and BAZ-2048 is designated as Level 4 in the Comprehensive Plan. CG (Commercial General) zoning is considered to be in conformance with the Comprehensive Plan in Level 4.

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-303 satisfies items 1 and 2 of Section 6.4.A of the Zoning Ordinance. (1) The site has been designed to accommodate a convenience store and associated commercial development. The canopies are allowed to be located closer to the street, however, the uses permitted on the site are limited. In addition, all trees are required to be medium to large in size, unless there are conflicts with overhead power lines. The requirements contained in the design statement permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use. (2) Because of the property configuration, the Zoning Ordinance would only allow one point of access to the site from 23<sup>rd</sup> Street. In addition, with strict application of the Zoning Ordinance and the on-site storm water detention that is required, there would not be any access to New Orleans Street. However, with PUD-303, the spacing of access points is modified slightly to allow two points of access to 23<sup>rd</sup> Street and one point of access to New Orleans Street. This modification allows greater flexibility in developing the property.

According to FEMA maps, none of the property is located in a 100-year floodplain area. Storm water detention will occur onsite. Sanitary sewer service and water will be provided by the City of Broken Arrow.

**Attachments:** Case map  
Aerial photo  
Comprehensive Plan Future Development Guide  
PUD-303 design statement  
County Line Food Mart plat

**Recommendation:**

Based upon the Comprehensive Plan, the PUD submitted with BAZ-2048, the location of the property, unique conditions associated with the property, and the surrounding land uses, Staff recommends that PUD-303 and BAZ-2048 be approved, subject to the property being replatted.

**Reviewed by: Jill Ferenc**

**Approved by: Larry R. Curtis**

BDM