



City of Broken Arrow

Request for Action

File #: 20-519, Version: 1

**Broken Arrow City Council
Meeting of: 05-19-2020**

Title:

Consideration and possible action regarding PUD-307 (Planned Unit Development), Aspen Creek Village, 116.78 acres, A-1 to PUD-307/CH and RM (BAZ-1902), located one-quarter mile west of Aspen Avenue (145th East Avenue), north of Tucson Street (121st Street)

Background:

Planned Unit Development (PUD) No. 307 involves 116.78 acres located one-quarter mile west of Aspen Avenue, one-quarter mile east of Olive Avenue, north of Tucson Street, and south of the Creek Turnpike. On February 4, 2014, PUD-224 and BAZ-1902, a request to rezone the same unplatted property associated with PUD-307 from A-1 to RM (Residential Multifamily) and CH (Commercial Heavy), was approved by the City Council, subject to the property being platted. According to Section 6.4.D.11 of the Zoning Ordinance, "If a plat has not been recorded on any portion of the PUD within two years after its approval by the City Council, the PUD shall expire." It is possible for the PUD to be extended an additional two years with a letter of request from the owner. As per the Zoning Ordinance, PUD-224 has expired. BAZ-1902, the request for RM and CH zoning, however, has not expired. The design statement submitted with PUD-307 is the same exact design statement approved previously with PUD-224.

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 were placed correctly on the property in accordance with the Zoning Ordinance.

PUD-307 is proposed to be developed in accordance with the Zoning Ordinance and the use and development regulations of the CH and RM districts except as described in the design statement. A summary comparison between the Zoning Ordinance requirement and what is being requested with PUD-307 is provided in the Staff report presented to the Planning Commission.

On November 5, 2013, the City Council approved BACP 132, a request to change the Level 3 designation on this property to Levels 3 and 6. BACP 132 was approved subject to the property being platted and being developed through the PUD process. The CH zoning that was approved previously with BAZ-1902 is in accordance with the Comprehensive Plan in Level 6, as well as the RM zoning request that was approved previously is in accordance with the Comprehensive Plan in Level 3.

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, infrastructure and land use compatibility.

In Staff's opinion, PUD-307 satisfies items 1 and 4 of Section 6.4.A of the Zoning Ordinance. (1) Within 200 feet of Tucson Street, buildings are limited to 35 feet in height. The Spring Creek of Broken Arrow and Riverstone Estates additions abut Tucson Street to the south. A service road will be constructed that extends from the east boundary to the west boundary. The requirements contained in the design statement permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use. (4) PUD-307 is proposed to be a mixed-use development containing both commercial and multifamily uses.

A small portion of the property adjacent to the east boundary, according to FEMA maps, is located in a 100-year floodplain area. According to the design statement, storm water detention will occur onsite. Sanitary sewer service and water will be provided by the City of Broken Arrow.

PUD-307 was reviewed by the Planning Commission on May 14, 2020. Three comment forms were submitted, one in opposition to the request, one undecided, and one in favor of the request. In addition, one email was submitted. The primary concerns were increased traffic on a two-lane road, inadequate site distance on Tucson Street, increase in stormwater runoff, quality of housing and commercial development, and impacts on wildlife. In addition, concern was expressed about the increase in stormwater runoff and the impact on Aspen Creek and the culvert/bridge structure over Aspen Creek on Tucson Street.

Staff had noted that based upon the previous approval of Comprehensive Plan amendment BACP-132 and the previous approval of PUD-224, which was the same exact design statement submitted with PUD-307, Staff had recommended that PUD-307 be approved, subject to the property being platted. Staff noted that PUD-307 would be based on the Zoning Ordinance in effect in 2020, not that which was in effect in 2014. In addition, BAZ-1902, which the City Council approved previously on February 4, 2004, to have the underlying zoning be changed from A-1 to CH and RM, would remain approved, subject to the property being platted.

After reviewing the information presented in the Staff report, and the public information provided, the Planning Commission recommended approval (5-0) of PUD-307 as per Staff recommendation.

Cost: \$0

Funding Source: None

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

Approved By: City Manager's Office

Attachments: Published Planning Commission Staff Report
Case map
Aerial photo
Case map from BACP 132
PUD-307 design statement

Recommendation:

Approve PUD-307 as per Planning Commission and Staff recommendation.