



City of Broken Arrow

Fact Sheet

File #: 16-1249, **Version:** 1

Broken Arrow Planning Commission

10-27-2016

To: Chairman and Commission Members
From: Development Services Department
Title: Public hearing, consideration, and possible action regarding BAZ-1964, Golzar Trust Property, 3.00 acres, R-1 to ON, south of Kenosha Street, one-half mile west of Olive Avenue

Background:

Applicant: Stephanie J. Milburn, Fontanez Law Firm
Owner: David Golzar, as Trustee of the David Golzar Revocable Trust
Developer: David Golzar
Engineer: NA
Location: South of Kenosha Street, one-half mile west of Olive Avenue
Size of Tract 3.00 acres
Number of Lots: 2
Present Zoning: R-1
Comp Plan: Level 2 (Urban Residential)

BAZ 1964 is a request to change the zoning designation on a 3.00-acre tract from R-1 (Single-Family Residential) to ON (Office Neighborhood). The unplatted property, which consists of two lots, is located south of Kenosha Street, one-half mile west of Olive Avenue. Presently, there is one single-family detached residential structure on each lot. The east structure; however, is vacant and in a deteriorated condition. The two existing structures will either need to be razed, or brought up to commercial building code standards to be used as offices.

There have been two previous rezoning requests on this property. On October 16, 2000, the City Council denied BAZ-1422, a request to rezone the east parcel from R-1 to O-3. The Planning Commission had recommended approval of BAZ 1422. Later, on May 15, 2006, the City Council denied BAZ-1710, a request to rezone both parcels from R-1 to O-3. The Planning Commission had recommended denial of BAZ-1710. In 2008, when the Zoning Ordinance was updated, the O-3 zoning district was changed to ON.

The applicant associated with BAZ-1964 conducted a meeting with the surrounding property owners on September 8, 2016. Per the applicant, general concerns expressed by the property owners. These concerns were addressed, per the applicant's statements, provided to Staff (see below).

- What particular business/building, etc., is going in?
 - o Their concerns are that they don't want a strip club, gun shop, massage parlor, DUI school, or mobile home park going in (we discussed how the property is already zoned and what O/N is and is not at our meeting);
 - o My client has no specific project in mind at this point but is cognizant of the limitations of O/N zoning;
- Privacy
 - o They don't want someone on a top floor looking down into their backyards while they are doing yard work, etc.;
 - o Closer neighbors want a fence so that patrons to the business or whatever goes in cannot just walk onto their properties and into their backyards;
- Traffic
 - o Worried about an increase in traffic on an already busy street;
- Value of houses
 - o They don't want something going in that significantly devalues their properties (going back to their concerns about what in particular is going in);
- Bright lights
 - o They are concerned about bright security lights shining all night into their homes;
- Safety and security
 - o They are concerned for their small children with regard to increased traffic (we discussed the access to main street vs. residential streets as per the comprehensive plan) and what kind of establishment might go in;
- Child care facilities
 - o When discussing what could qualify as O/N they were concerned about a day care going in and a "play yard" full of 25 screaming kids from 8-5 pm every day; and
- Drainage/water run off
 - o One neighbor was not opposed to something going in but was concerned about the runoff water coming onto his property. Claims it runs off onto his property now.

According to the FEMA maps, none of the property associated with BAZ 1964 located within a 100-year floodplain area.

Surrounding land uses and zoning classifications include the following:

North:	R-3	Union West addition
East:	R-2	Union West II addition
South:	R-2	Union West II addition
West:	R-2/PUD 77	Lancaster Park addition

The Comprehensive Plan shows the property associated with BAZ-1964 to be designated as Level 2. ON zoning is identified as being in accordance with the Comprehensive Plan in Level 2, if the property is located adjacent to an arterial street and none of the traffic shall utilize roads that pass through a single-family residential area prior to reaching an arterial street. The only access to this property will be from Kenosha Street. Therefore, the rezoning request is in conformance with the Comprehensive Plan.

In the ON district, uses are limited to such uses as “Places of Assembly (i.e. church)”, “Child Care Centers”, “Day Care Center/Nursery School”, “Medical Offices”, “Financial Institutions”, “Office, Business or Professional”, and “Art Gallery or Museum, Private”. Table 3.1-1 from the Zoning Ordinance that lists all the uses allowed in the ON district is attached.

Attachments: Case map
Aerial photo
Comprehensive Plan
Table 3.1-1 from the Zoning Ordinance

Recommendation:

Based on the Comprehensive Plan and the location of the property, Staff recommends BAZ- 1964 be approved, subject to the following conditions:

1. Property being platted.
2. Existing structures shall either be razed, or brought up to commercial building code standards.

Reviewed and Approved By: Michael W. Skates