



City of Broken Arrow

Request for Action

File #: 21-353, Version: 1

**Broken Arrow Planning Commission
03-11-2021**

To: Chairman and Commission Members
From: Community Development Department
Title: Public hearing, consideration, and possible action regarding BAZ-2078 (Rezoning), Old Hitching Post, approximately 0.84 acres, A-1 (Agricultural) to CN (Commercial Neighborhood), northeast corner of Main Street and Washington Street (91st Street)

Background:

Applicant: Griffith Contracting
Owner: John and Nancy Belding
Developer: Griffith Contracting
Surveyor: GEODECA Land Surveying
Location: Northeast corner of Main Street and Washington Street (91st Street)
Size of Tract approximately 0.84 acres
Number of Lots: 1
Present Zoning: A-1 (Agricultural)
Proposed Zoning: CN (Commercial Neighborhood)
Comp Plan: Level 6 (Regional Employment/Commercial)

BAZ-2078 is a request to change the zoning designation on an approximately 0.84-acre tract from A-1 (Agricultural) to CN (Commercial Neighborhood). The unplatted property is located at the northeast corner of Main Street and Washington Street (91st Street). This property was annexed into the city limits of Broken Arrow from Tulsa County on June 4, 1984 by Ordinance No. 1234.

This property has been used for commercial purposes prior to being annexed into the City of Broken Arrow and is considered a legal non-conforming use. The applicant is in the process of purchasing the property with the intention of using it for a commercial office. The change in use of the property requires that it be brought into conformance with current codes and ordinances. The applicant proposes to rezone the property to CN (Commercial Neighborhood), which allows office uses.

There are three existing structures on the property which do not meet the setback requirements of the A-1 or the CN zoning districts. Any nonconformity may be continued or maintained as a nonconformity only in accordance with Section 8.1 of the Zoning Ordinance. Maintenance and minor repairs required to keep the structure in a safe condition are permitted, if they do not increase the extent of the nonconformity.

Section 8.2 of the Zoning Ordinance states that no structure may be enlarged or altered in a way that increases

its nonconformity. If a nonconforming structure is damaged or destroyed by any means to an extent greater than fifty percent (50%) of its replacement cost at the time of damage or destruction, then such structure shall not be reestablished unless it is made to conform to the requirements of the Zoning Ordinance.

The existing parking on this site consists of unmarked spaces on a compacted gravel and concrete surface. The new use of this property will require the off-street parking and loading standards of the Zoning Ordinance to be met per Section 5.4.B.1.a. The applicant will be responsible for paving all parking surfaces and drives, while providing parking spaces in accordance with the ordinance. This will be accomplished through the review and approval of a site plan before an occupancy permit may be issued.

The applicant has been made aware of these limitations and requirements for updating the buildings and parking requirements on the site. The applicant intends to submit a PUD (Planned Unit Development) and site plan to further address the existing setback issues upon taking ownership of this property.

SURROUNDING LAND USES/ZONING/COMPREHENSIVE PLAN

The surrounding properties contain the following uses, along with the following development guide and zoning designations:

Location	Comprehensive Plan	Zoning	Land Use
North	Level 6	CN/PUD-321 via BAZ-2072	Under development for Senior Activity Center
East	Level 6	CH	Undeveloped
South	Level 2	A-1	Single-family homes
West	Level 6	CN/PUD-81	Commercial Strip Center

This property is designated at Level 6 (Regional Employment/Commercial) in the Comprehensive Plan. The CN (Commercial Neighborhood) zoning requested with BAZ-2078 is considered to be in accordance with the Comprehensive Plan in Level 6.

According to FEMA Maps, none of this property is located in the 100-year floodplain.

Attachments: Case map
Aerial
Comprehensive Plan

Exhibit

Recommendation:

Based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that BAZ-2078 be approved, subject to the property being platted and a PUD being submitted and approved.

Reviewed by: Jill Ferenc

Approved by: Larry R. Curtis

ALY