



City of Broken Arrow

Request for Action

File #: 18-1171, **Version:** 1

Broken Arrow Planning Commission

10-11-2018

To: Chairman and Commission Members
From: Development Services Department

Title: Approval of PT18-107, Conditional Final Plat, Freedom Wash, a replat of Lot 5 and Lot 7, Block 1 of Kenwood Acres (Plat #1417), 2.76 acres, 3 Lots, R-1 to PUD 172/RD and CH, north of Kenosha Street, one-quarter mile west of 9th Street, between 4th Street and 5th Street

Background:

Applicant: Hayden Green
Owner: Robert H. Johnson, LLC
Developer: Freedom Wash, LLC
Engineer: KKT Architects, Inc.
Location: North of Kenosha Street, one-quarter mile west of 9th Street
Size of Tract 2.76 acres
Number of Lots: 3 proposed
Present Zoning: R-1 to PUD 172/RD and CH
Comp Plan: Level 6 and Level 3 (BACP-52 and BACP-60)

PT18-107, the conditional final plat for Freedom Wash, a replat of Kenwood Acres (Plat #1417), contains 2.76 acres and is proposed to be divided into 3 lots. This property, which is located north of Kenosha Street, one-quarter mile west of 9th, between 4th Street and 5th Street, is presently zoned R-1. On December 18, 2006, the City Council reviewed and approved PUD 172 along with BAZ 1734, a request to change the underlying zoning from R-1 to RD and CH. PUD 172 and BAZ 1734 were approved subject to the property being platted. At the time PUD 172 was approved, there was not any expiration provisions in the Zoning Ordinance. The preliminary plat for Freedom Wash was approved by the Planning Commission on July 26, 2018, subject to an approved checklist.

Freedom Wash is a replat of Lot 5 and Lot 7, Block 1 of Kenwood Acres. The plat for Kenwood Acres was recorded in Tulsa County on July 12, 1948. At the time the plat was recorded, no street right-of-way was shown for 5th Street. Based on previously recorded plats, there is some discrepancy in the amount of right-of-way that has since been dedicated along 5th Street. The plat for Calvary Temple Christian Family Center shows 25 feet of right-of-way being dedicated by the plat along the east half of 5th Street. According to the plat for Ryan's Addition, the east 25 feet of right-of-way along 5th Street was dedicated by separate instrument and is recorded in Book 3821, Page 142. The plat for Compton Addition II shows 25 feet of right-of-way along the

east half of 5th Street being dedicated by separate instrument in Book 2876, Page 274. The plat for the Vaquero Addition references 25 feet of right-of-way being dedicated along the east side of 5th street in Book 4815, Page 1041. The conditional final plat for Freedom Wash shows 50 feet of right-of-way being dedicated along 5th Street through Book 4815, Page 104. The documents referenced by the other plats on the east side of 5th Street are not referenced.

There have been two Comprehensive Plan amendments on the property associated with Freedom Wash. On January 3, 2005, the City Council reviewed and approved BACP 52. In BACP 52, the north 485 feet of Lot 5, Block 1 of Kenwood Acres was changed from Level 1 to Level 3, with the remainder of the property designated as Level 6. BACP 52 was approved subject to the property being replatted. After BACP 52 was approved, applicant acquired additional property along 4th Street. On November 21, 2005, the City Council approved BACP 60, which changed the land use designation on the newly acquired property from Level 1 to Level 6. In addition, part of the area that was designated as Level 3 in BACP 52 was changed to Level 6. BACP 60 was approved subject to the property being replatted and a PUD being submitted.

On September 19, 2005, applicant submitted PUD 165 and BAZ-1693, which were similar to the application submitted with PUD 172 and BAZ-1734. However, before legal notices were sent on PUD 165 and BAZ-1693, applicant notified Staff to place their application on hold until further notice. PUD 165 and BAZ-1693 were dismissed as part of PUD 172 and BAZ-1734

According to the FEMA maps, none of the property is located in a 100-year floodplain area.

Water and sanitary sewer service to this development will be provided by the City of Broken Arrow. Engineering plans associated with the plat have not been “NET’d” (No Exceptions Taken) by the project engineer for the City of Broken Arrow.

Attachments: Checklist
Conditional Final Plat
Kenwood Acres Plat
PUD 172 Approved Document

Recommendation:

Staff recommends PT18-107, conditional final plat for Freedom Wash, be approved, subject to the attached checklist. The conditional final plat, however, shall not be placed on the City Council agenda until the engineering plans have been “NET’d” (No Exceptions Taken) by the project engineer for the City of Broken Arrow.

Reviewed By: Larry R. Curtis

Approved By: Michael Skates

BDM