



City of Broken Arrow

Legislation Details (With Text)

File #: 16-1535 **Name:**

Type: Consent Item **Status:** Agenda Ready

File created: 12/29/2016 **In control:** Planning Commission

On agenda: 1/12/2017 **Final action:**

Title: Consideration and possible action regarding BAL 2008, Aldi Grocery Expansion, 0.96 acres, CG, north of Kenosha Street, one-quarter mile west of Aspen Avenue

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2- CASE MAP.BAL-2008, 2. 3- AERIAL.BAL 2008, 3. 4- BAL 2008.EXHIBIT.CORRECTED, 4. 5- Aldi Plat & Covenant

Date	Ver.	Action By	Action	Result
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**Broken Arrow Planning Commission
01-12-2017**

To: Chairman and Commission Members
From: Development Services Department
Title: Consideration and possible action regarding BAL 2008, Aldi Grocery Expansion, 0.96 acres, CG, north of Kenosha Street, one-quarter mile west of Aspen Avenue

Background:

Applicant: Sam Malinowsky, Kaw Valley Engineering, INC
Owner: Aldi, INC
Developer: Aldi, INC
Surveyor: Kaw Valley Engineering, INC
Location: North of Kenosha Street, one-quarter mile west of Aspen Avenue
Size of Tract 0.96 total acres; Tract A - 0.93 acres; Tract 1A - 0.03 acres
Number of Lots: 2 proposed
Present Zoning: CG
Comp Plan: Level 4 (Commercial/Employment Nodes)

Lot split request BAL 2008 involves a 0.96-acre parcel located north of Kenosha Street, one-quarter mile west of Aspen Avenue. The property, which is zoned CG, is platted as Reserve A of Aldi Center. Applicant is proposing to split the lot into two parcels. Tract A, the north parcel, contains 0.93 acres; Tract 1A, the south parcel, has 0.03 acres.

When Aldi Center was platted, Reserve A was established to serve as the stormwater detention area for the

property. Aldi's wants to build a small addition onto the north end of their store that will protrude into Reserve A. The covenants for Aldi Center state, "The owner does hereby dedicate to the City of Broken Arrow, Oklahoma for public use, subject to the easement of record, the property designated and shown on the accompanying plat as Reserve "A" for the purposes of permitting the flow, conveyance, retention, detention and discharge of stormwater runoff from the lot within "Aldi Center" and from properties not included within "Aldi Center". With BAL 2008, applicant wants to split Tract 1A from Reserve A and attach it to Lot 1, Block 1. Staff has reviewed the impacts on the stormwater detention area and can accept the proposed modification.

Oklahoma Natural Gas (ONG), Public Service Company of Oklahoma (PSO), Cox Communications, and Windstream have indicated that they do not have any problems with the proposed lot split.

Attachments: Case map
Aerial
Lot Split Exhibits and Legal Descriptions
Aldi Center Plat

Recommendation:

Staff recommends BAL 2008 be approved, subject to the Warranty deeds for both parcels being brought simultaneously to the Planning Division to be stamped prior to being recorded in Tulsa County. Tract 1A shall be combined with Lot 1, Block 1, Aldi Center. On the warranty deed for Tract 1A, the following shall be added, "None of property associated with this legal description is hereby considered to be a part of Reserve A."

Reviewed and Approved By: Michael Skates

MWS: ALY