



# City of Broken Arrow

## Legislation Details (With Text)

**File #:** 17-2869 **Name:**

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

**File created:** 11/3/2017 **In control:** Planning Commission

**On agenda:** 11/16/2017 **Final action:**

**Title:** Approval of BAL-2027CB, Lovelle Consolidation, 15.18 acres, unplatted, A-1, one-quarter mile north of New Orleans Street, west of 9th Street

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2-CASE MAP.BAL-2027CB.pdf, 2. 3-AERIAL.BAL 2027CB.PROPOSED LOT CONSOLIDATION.pdf, 3. 4-LOT COMBINATION EXHIBITS.pdf, 4. 5-BAL 2027CB.ULTIMATE LOT CONFIRGURATION.pdf

Date	Ver.	Action By	Action	Result
11/16/2017	1	Planning Commission		

### Broken Arrow Planning Commission 11-16-2017

**To:** Chairman and Commission Members  
**From:** Development Services Department  
**Title:** Approval of BAL-2027CB, Lovelle Consolidation, 15.18 acres, unplatted, A-1, one-quarter mile north of New Orleans Street, west of 9<sup>th</sup> Street

#### Background:

**Applicant:** Nathan Lovelle  
**Owner:** Nathan Lovelle  
**Developer:** NA  
**Surveyor:** Jack D. Ramsey, Ramsey Surveying Service  
**Location:** One-quarter mile north of New Orleans Street, west of 9th Street  
**Size of Tract** 15.18 total acres; Lot 1- 5.46 acres; Lot 2 - 9.72 acres  
**Number of Lots:** 2 (1 proposed)  
**Present Zoning:** A-1 (Agricultural)  
**Comp Plan:** Level 2 (Urban Residential), Level 3 (Transition Area), and Greenway/Floodplain

Lot consolidation request BAL-2027CB involves two parcels located one-quarter mile north of New Orleans Street, west of 9<sup>th</sup> Street. The property, which is unplatted, is zoned A-1.

In 2013, Lovelle Properties, LLC acquired 20.5 acres that had frontage onto 9<sup>th</sup> Street. On May 21, 2015, 10.78 acres were conveyed to Jared and Amy Lovelle. This conveyance, which was recorded in Tulsa County,

created two lots. The 10.78 acres had frontage onto 9<sup>th</sup> Street, but the remaining 9.72 acres did not have any frontage onto a public street. A mutual access easement was granted that allowed the 9.72 acre parcel to have access onto 9<sup>th</sup> Street. While this property was in the City Limits of Broken Arrow, a lot split application that created the two lots was not submitted to the City of Broken Arrow. According to the Broken Arrow Zoning Ordinance, all lots must front onto a public street.

Lovelle Properties, LLC is now interested in conveying 1.39 acres along their south property line with a 0.84 parcel that has frontage along New Orleans Street. In September 2017, Staff was contacted by the title company to determine if the City of Broken Arrow had approved a lot split on this property. Staff advised that no lot split had been submitted, and since the property being split did not have frontage onto a public street, the Planning Commission could not approve of such a lot split that made a nonconforming lot, even more nonconforming.

Staff then met with the applicant and was informed that Lovelle Properties, LLC had acquired a 5.46 acre parcel along 9<sup>th</sup> Street that abutted the 9.72 acre parcel that did not have frontage onto a public street. Staff advised the applicant that if he combined these two lots, he could then request a lot split to split 1.39 acre parcel. As a result, applicant has submitted BAL-2027CB to combine the 5.46 acre parcel with the 9.72 acre parcel.

The property associated with BAL-2027CB has not been platted. Right-of-way and utility easements along the portion of the 5.46 acre parcel have not been provided in accordance with the Subdivision Regulations.

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 consolidation.

**Attachments:**        **Case map**  
                              **Aerial with proposed lot consolidation**  
                              **Lot combination exhibits**  
                              **Aerial showing ultimate lot configuration**

**Recommendation:**

Staff recommends BAL-2027CB be approved, subject to the following:

1. Right-of-way and utility easements shall be dedicated along 9<sup>th</sup> Street in accordance with the Subdivision Regulations (50-feet of right-of-way along with a 17.5-foot utility easement).
2. The warranty deed for the consolidated parcel shall be brought to the Plan Development Division to be stamped prior to being recorded in Tulsa County. The warranty deed shall reflect right-of-way being dedicated along 9<sup>th</sup> Street.
3. Both tracts shall be permanently tied together, and it shall be acknowledged and stated in the warranty deed that the property cannot be divided without receiving lot split approval from the Planning Commission.
4. Typographical error in legal description for Lot 2 shall be correctly reflected in legal description for warranty deed.

**Reviewed By:**        **Larry R. Curtis**

**Approved By:**       **Michael W. Skates**

LRC: BDM