



# City of Broken Arrow

## Legislation Details (With Text)

<b>File #:</b>	18-1288	<b>Name:</b>	
<b>Type:</b>	General Business	<b>Status:</b>	Passed
<b>File created:</b>	10/30/2018	<b>In control:</b>	Broken Arrow City Council
<b>On agenda:</b>	11/20/2018	<b>Final action:</b>	11/20/2018
<b>Title:</b>	Consideration, discussion, and possible approval of BAZ- 2014, Wall/Toomey Properties, 12.99 acres, A-1 to RS-2, north and east of the northeast corner of Albany Street and 51st Street		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. 1-PLANNING COMMISSION FACT SHEET, 2. 2-CASE MAP, 3. 3-AERIAL.BAZ 2014, 4. 4-SURVEY		

Date	Ver.	Action By	Action	Result
11/20/2018	1	Broken Arrow City Council	approved	Pass

### Broken Arrow City Council Meeting of: 11-20-2018

**To:** Mayor and City Council Members  
**From:** Development Services Department  
**Title:**

**Consideration, discussion, and possible approval of BAZ- 2014, Wall/Toomey Properties, 12.99 acres, A-1 to RS-2, north and east of the northeast corner of Albany Street and 51<sup>st</sup> Street**

#### Background:

BAZ-2014 is a request to change the zoning designation on a 12.99-acre parcel from A-1 (Agricultural) to RS-2 (Single-Family Residential). The unplatted property is located north and east of the northeast corner of Albany Street and 51<sup>st</sup> Street. There are two different property owners (Sarah Wall and Terry Toomey/Carol F. Toomey) associated with this rezoning request.

The property related to BAZ-2014 was annexed into Broken Arrow on October 15, 2001, with Ordinance 2393. Even though the property was in the City Limits of Broken Arrow, a lot split request was submitted to and approved in Wagoner County that divided the property into three parcels. The lots created in Wagoner County did not meet the minimum lot size and lot frontage requirements of the Broken Arrow Zoning Ordinance.

After the lot split that was approved in Wagoner County was recorded, Sarah Wall purchased the northern most parcel with the desire to construct a new single-family residence on the property. Prior to applying for a building permit, they were advised that they would need to come into compliance with the Broken Arrow Zoning Ordinance. As a result, Ms. Wall, as well as Mr. and Mrs. Toomey who own the other two parcels, have submitted an application to rezone the property from A-1 to RS-2. If the rezoning is approved by the City Council, they will be submitting an application to split the property in a manner that will meet the minimum lot size and frontage requirements of the RS-2 district.

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

The property is designated as Level 2 in the Comprehensive Plan. RS-2 zoning is identified as being conformance with the Comprehensive Plan in Level 2.

The Planning Commission, in their meeting of October 25, 2018, concurred with Staff and recommended approval (4-0 vote) of BAZ-2014. The Planning Commission recommended that platting be waived, provided right-of-way was dedicated along 51<sup>st</sup> Street (Evans Road) and Kenosha Street in accordance with the Subdivision Regulations. If not already provided, 60 feet of right-of-way from the section line is required along Kenosha Street along with a 17.5-foot utility easement. Along 51<sup>st</sup> Street (Evans Road), the right-of-way requirement is 50 feet from the section line along with a 17.5-foot utility easement. Three people spoke at the Planning Commission meeting in opposition to the rezoning. Their concern was that the property could later be platted into smaller lots.

**Cost:** \$0

**Prepared By:** Brent Murphy, AICP, Senior Planner

**Reviewed By:** Development Services Department  
Legal Department  
Assistant City Manager, Operations

**Approved By:** Michael L. Spurgeon, City Manager

**Attachments:** 1-FACT SHEET.PLANNING COMMISSION  
2-CASE MAP.BAZ-2014  
3-AERIAL.BAZ-2014  
4-SURVEY DRAWING

**Recommendation:**

Approve BAZ-2014 as recommended by Planning Commission and Staff.

BDM