



City of Broken Arrow

Request for Action

File #: 21-510, **Version:** 1

Broken Arrow Planning Commission
04-22-2021

To: Chairman and Commission Members
From: Development Services Department
Title:

Approval of BAL-2119, Aspen Square Center/I.D.C. Center II, 1 Existing Lot, 1.66 acres, CN and CH/PUD-74, one-eighth mile north of Washington Street (91st Street), east of Aspen Avenue (145th E. Avenue)

Background:

Applicant: Tim Terral, Tulsa Engineering and Planning, Inc.
Owner: Aspen Square, Inc.
Developer: Aspen Square, Inc.
Surveyor: Tulsa Engineering and Planning, Inc.
Location: One-eighth mile north of Washington Street (91st Street), east of Aspen Avenue (145th E. Avenue)
Size of Tract 1.66 total acres; Tract 1 - 0.52 acres; Tract 2 - 1.14 acres
Number of Lots: Splitting parcel into two lots
Present Zoning: CN and CH/PUD-74
Comp Plan: Level 6 (Regional Commercial/Employment)

Lot split request BAL-2119 involves 1.66-acres located one-eighth mile north of Washington Street (91st Street), east of Aspen Avenue (145th E. Avenue). The property, which is part of PUD-74, has an underlying zoning of CN (Commercial Neighborhood) and CH (Commercial Heavy). With BAL-2119, applicant is requesting to split the 1.66 acres into two lots. BAL-2020CB, which proposes to combine Tract 1 with an existing lot to the north, has been submitted in conjunction with this lot split.

The property associated with BAL-2119 has been platted as a part of I.D.C. Center II, which was recorded in Tulsa County in December 1979. On February 25, 1988, the Planning Commission approved BAL-597 that split Lot 2, Block 1 and part of Lot 1, Block 1 of I.D.C. Center II into 5 lots. With BAL-597, an independent parcel was created that occupied the north 176 feet of the I.D.C. Center II plat. The north parcel was not allowed any curb cuts onto Aspen Avenue.

In September 1992, the City Council approved BAZ 1152 (C-3 to C-5) along with PUD 74 for a mini-storage development on the north 2.41 acres of I.D.C. Center II. On November 19, 1992, the Planning Commission approved a site plan for the mini-storage project. The site plan showed the mini-storage units to occupy the north 193 feet of the I.D.C. Center II, with buildings located along the south boundary of the C-5 zoning district. The lot line created by BAL-597 was 17 feet north of the south boundary of the mini-storage complex.

At the time of the rezoning, however, the mini-storage and abutting property to the south were under the same ownership.

The current property owner wants to have the mini-storage complex and an access drive for the mini-storage all on one parcel. As a result, they are requesting with BAL-2119 that the north 42.22 feet of Parcel A that was created with BAL-597 be split and attached to the independent parcel (north 176 of I.D.C. Center II) created with BAL-597. BAL-2020CB then proposes to attach Tract 1 with the north 176 feet. This places the mini buildings and a 25.3-foot access drive all on one lot.

With PUD 74 that was adopted in 1992, there is little information in the file pertaining building setbacks along the south boundary of the mini-storage facility. The mini-storage buildings were built 17 feet south of the lot line and along the zoning district boundary. The I.D.C. Center II plat however states, "All buildings constructed in the Addition shall conform to the zoning regulations applicable to said tract." According the Zoning Ordinance that was in effect at the time PUD-74 was adopted, buildings were required to setback 30 feet from the property line associated with a different zoning classification. At the time the mini-storage building were constructed, the property to the south was under the same ownership.

According to information provided by the applicant, the proposed lot line associated with BAL-2119 is located 29.9 feet north of the existing shopping center. The Zoning Ordinance states that building setback lines are measured from the property line. The property on each side of the proposed property line is part of PUD 74 with an underlying zoning of CN. According to the Zoning Ordinance, there is no setback requirement on side yards with the same zoning classification. Between CN and CH, the setback is 30 feet on each side of the property. The site plan for the mini-storage building was previously approved with a 0 setback at the zoning line, and no zoning changed was required. BAL-2119 will be increasing the setback distance from 0 feet at the property line to 25 feet.

When BAL-597 was approved, no access was allowed to Aspen Avenue. A 30-foot wide mutual access easement was provided along part of the west boundary.

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: BAL-2119 Exhibits and Legal Descriptions
Case map
Aerial
I.D.C. Center II plat
PUD-74 and BAZ-1152
BAL-597 Lot Split
Aspen Square Mini Storage Site Plan

Recommendation:

Staff recommends that BAL-2119 be approved, subject to the following:

1. Warranty deeds for the resulting parcels shall be brought simultaneously to the Community Development Department to be stamped prior to being recorded in Tulsa County.
2. A mutual access easement of at least 25 feet in width shall be provided along the south boundary of

Tract 1.

Reviewed by: **Jill Ferenc**

Approved by: **Larry R. Curtis**

BDM