



City of Broken Arrow

Request for Action

File #: 22-689, Version: 1

**Broken Arrow City Council
Meeting of: 06-06-2022**

Title:

Approval of SP-308, 330 S 5th Pl, 0.20 acres, request for a Specific Use Permit for a Type 2 Short Term Rental, located one-eighth mile north of Houston Street (81st Street), one-quarter mile west of 9th Street (177th E. Avenue/Lynn Lane Road)

Background:

SP-308 is a request for a Specific Use Permit for a “Type 2” Short Term Rental on property located one-eighth mile north of Houston Street (81st Street), one-quarter mile west of 9th Street (177th E. Avenue/Lynn Lane Road) at 330 South 5th Place. The property has been platted as Lot 8, Block 5, East Haskell Addition, and is zoned R-2 (Single Family Residential).

Type 2 Short Term Rentals are allowed in the R-2 zoning district with a Specific Use Permit approved by the City Council. A short term rental license is required for each year of operation. With a Type 2 Short Term Rental, up to six individuals or two families are permitted to stay up to 30 days. One guest room may be permitted for each 2,000 square feet of lot area, up to a maximum of four guest rooms. According to Tulsa County Assessor records, the three-bedroom house associated with SP-308 contains 8,906 square feet of lot area. The house was built in 1955 and contains 1,339 square feet of livable space.

With Type 2 Short Term Rentals, one parking space is required for each room, as well as one space for the owner-operator. Consequently, four parking spaces are required. This structure has a two-car garage and two driveways providing at least four parking space on-site.

The applicant has submitted information regarding how they plan to screen potential short term renters and monitor their activity while renting. Short term rental applicants of this property must be at least 25 years old. All guests will have a background check which consists of verifying with U.S. databases for criminal records as well as state and national sex offender registries. The property owner will also personally message each guest prior to accepting a reservation to ask them what they are in town for, how many guests will be accompanying them, and confirm they agree to house rules. Reservation requests will be declined should any red flags appear during this vetting. Only approved guests are allowed, and no parties or gatherings are permitted.

In addition, the property owner intends to have security cameras as well as a noise monitor that will alert them to noise levels exceeding the acceptable threshold as detailed by the screening plan. The noise monitor also has the ability to detect the number of mobile devices on the property. No parking in the yard is allowed, and guests may not park in the street per the applicant’s rules.

According to Section 6.5.C.8 of the Zoning Ordinance, a Specific Use Permit can be approved only if the City Council finds that all of the following criteria have been met:

- a. The proposed use is consistent with the comprehensive plan and all applicable provisions of this

- Ordinance and applicable state and federal regulations;
- b. The proposed use is consistent with the purpose and intent of the zoning district in which it is located;
 - c. The proposed use is consistent with any applicable Specific Use Permit standards set forth in Section 3.2, *Specific Use Permit Standards*;
 - d. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
 - e. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable;
 - f. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;
 - g. Adequate assurances of continuing maintenance have been provided.

In Staff's opinion, SP-308 is consistent with the above criteria.

SP-308 was reviewed by the Planning Commission on May 12, 2022. No one spoke in person during the Public Hearing session on this item. Two residents submitted comments in opposition to be read aloud. Concerns primarily included safety due to not knowing who short term renters will be. Not wanting short term rental business in their neighborhood was another concern mentioned. Planning Commission felt that the applicant's screening plan adequately addressed safety concerns.

Staff recommended that SP-308 be approved subject to the following:

- 1. SP-308 shall be only for the current property owner. If ownership of the property changes, the Specific Use Permit for a short term rental shall expire.

After reviewing the information presented in the Staff report and by the applicant, the Planning Commission recommended approval (3-0) of SP-308 per Staff recommendation.

Cost: \$0

Funding Source: None

Requested By: Larry R. Curtis, Director of Community Development

Approved By: City Manager's Office

Attachments: Published Planning Commission Staff report
Case map
Aerial photo
Comprehensive Plan
Rental screening plan submitted by the applicant
Tulsa County Assessor's information
Pictures of site

Recommendation:

Approve SP-308 per Planning Commission and Staff recommendation.