



City of Broken Arrow

Request for Action

File #: 16-922, Version: 1

**Broken Arrow Planning Commission
08-11-16**

To: Chairman and Commission Members
From: Development Services Department
Title: Consideration and possible action regarding BAL 1095, Tarp Estates Lot Split, 7.61 acres, R-1, R-3, RM, and SP 86B, south of Washington Street, one half mile west of Elm Place

Background:

Applicant: Salvador Titone, HRAOK
Owner: Glass Chapel & Conference, LLC
Developer: Glass Chapel & Conference, LLC
Surveyor: HRAOK
Location: South of Washington Street, one-half mile west of Elm Place
Size of Tract: 7.61 acres
Number of Lots: 1
Present Zoning: R-1, R-3, RM, and SP 86B (PUD 190 and BAZ 1805 approved subject to platting)
Comp Plan: Level 2, Level 3, and Greenway/Floodplain

Lot split request BAL 1095 involves a 7.61-acre parcel located south of Washington Street, one-half mile west of Elm Place. The property was platted as Tarp Estates 2nd in 2002. The property owner wants to construct a new single family residence for themselves on the property. As a result, they are proposing to split Lot 1, Block 1, Tarp Estates 2nd, into two tracts. Tract 1, which contains the existing wedding chapel, will have 6.10 acres. Tract 2, where the new single family structure is proposed to be constructed, will have 1.51 acres.

Tract 2 is a long panhandled shaped lot. The property is currently zoned R-3, which requires 60 feet of frontage onto a public street along with 7,000 square feet. The proposed lot meets the minimum lot frontage and lot size requirements of the R-3 district.

On September 16, 2008, the City Council approved PUD 190 and BAZ 1805, on the east side of both Lots 1 and 2, Block 1, Tarp Estates 2nd, subject to the property being replatted. PUD 190 proposed to develop 29 single family homes. In conjunction with PUD 190, applicant also submitted BAZ 1805, a request to rezone the subject property from R-1 and R-3 to RS-3. As part of PUD 190, the trail system that exists on the north side of Washington Street was proposed to be continued along the entire east side of PUD 190. The property was never replatted and PUD 190 was not developed. As a result, PUD 190 and BAZ 1805 need to be abrogated in conjunction with this lot split request.

As noted above, the trail on the north side of Washington Street was originally proposed to continue south onto this property. The current property owner does not desire to have the trail pass through their property, which is acceptable to the Parks Department.

When the wedding chapel was constructed, the requirement for a sidewalk along the south side of Washington Street was deferred. The sidewalk along the south side of Washington Street still has not been constructed.

The City of Broken Arrow has a 40-foot wide sanitary sewer easement along the east side of the platted property. A 21-inch sanitary sewer line is located in this easement. Applicant is proposing to construct a driveway in this easement to serve their proposed residence. For the proposed drive to be built on the 40-foot wide sanitary sewer easement, an agreement with the City of Broken Arrow will have to be completed. The City of Broken Arrow will not be responsible for replacing or repairing the driveway if repairs or maintenance are needed on the existing 21" sewer line. The City of Broken Arrow will provide no temporary entrance or exit to this lot while repair or maintenance is being done.

The 100-year floodplain of Haikey Creek flows through the property associated with BAL 1095. When Tarp Estates 2nd was platted, a 100-year floodplain drainage and utility easement was provided. This easement is not shown on the lot split exhibit submitted by the applicant.

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

Attachments: Case map
Lot Split Exhibits and Legal Descriptions submitted by the applicant
Tarp Estates 2nd Plat
PUD 190

Recommendation:

Staff recommends BAL 1095 be approved, subject to the following:

1. The drawing and the written legal description do not match. This shall be corrected and approved by Staff prior to the Warranty Deeds being submitted.
2. Warranty deeds for both parcels shall be brought simultaneously to the Planning Division to be stamped prior to recordation in Tulsa County.
3. A separate easement is needed for the private water line from Washington Street to the proposed new single family residence, since this water line cannot be built within the sanitary sewer easement. This easement shall be located outside the existing 40-foot wide sanitary sewer easement. The private water line easement shall be recorded prior to a building permit being issued for the single family residence.
4. The lot split exhibit shall be revised to show the floodplain easement that is shown on the Tarp Estates 2nd plat.
5. The warranty deed for Tract 2 shall contain the following statement, "It is hereby recognized there is an existing 40-foot wide sanitary sewer easement on this property. The City of Broken Arrow is not responsible for replacing or repairing any improvements, including but not limited to driveways, fences, gates, and landscaping, placed in this easement. Furthermore, for health and safety reasons, it is recognized that access into this easement may be prohibited when repairs or maintenance improvements are being made to the sanitary sewer line."

6. A 5-foot wide sidewalk shall be built along the south side of Washington Street for entire frontage of the Tarp Estates 2nd parcel. (This sidewalk was previously required; however, it was deferred to be built at the time of future development.) This sidewalk shall be completed prior to any occupancy permit being issued for the proposed single-family residence.
7. PUD 190 and BAZ 1805 that were approved by the Planning Commission on August 28, 2008 and City Council on September 17, 2008, shall be abrogated. Staff will forward this abrogation request to the next available City Council meeting.

Reviewed By: Farhad Daroga

Approved By: Michael W. Skates

FKD:ALY/BDM