



# City of Broken Arrow

## Request for Action

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**File #: 16-1269, Version: 1**

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**Broken Arrow City Council  
Meeting of: 10-18-2016**

**To: Mayor and City Council  
From: Office of the City Attorney**

**Title: Presentation, discussion, and review of a proposed development for Red Creek Dance Hall and Restaurant located between the Creek Turnpike and Tucson Street, West of Olive Street (Sect. 32, T18N, R14E) in the City limits of Broken Arrow, Oklahoma**

**Background:**

In August of 2016, City Staff received a request from Dave Sanders, a Civil Engineer with Sanders Engineering, Inc., for the City Attorney to meet regarding a proposed dance hall and restaurant. This facility is proposed for location south of the Creek Turnpike and west of Olive (South 129<sup>th</sup> East Avenue). The property is owned by Steve Bruner and is a Creek Indian Allotment. Of the original 160-acre tract, two portions have been removed from restricted status. The first is area condemned in Federal Court by the Oklahoma Turnpike Authority. The second involved approximately 2.5 acres that were removed so that a family member could obtain a mortgage for a home.

The City Attorney and a Staff Attorney met with Mr. Bruner, Mr. Sanders, and an architect with KKT Architecture. They indicated that the proposed dance hall and restaurant would be set back from Olive Street, closer to the Creek Turnpike right-of-way. A schematic of the proposed development is attached for the Council's review. Mr. Sanders told City representatives that the proposed development would be serviced by on-site well water, an on-site wastewater facility, and a stormwater detention pond. At this time, Mr. Bruner is not seeking access to any city infrastructure or utilities, other than an increased access from Olive. Although a Creek Indian Allotment, Mr. Bruner indicated a willingness to work with City Inspectors and comply with all City Building Codes.

Mr. Bruner is in the process of negotiations for operation of the proposed facility. When asked about gaming, he indicated that there is a possibility that Class 2 Gaming Machines would be included as part of the operation. His representatives told Staff that no final decision with regard to gaming has been made and incorporation would be at some time in the future.

Because of the controversy involving proposed casinos on nearby Creek Allotments, the City Manager directed Staff to develop action steps to inform the City Council and the public of the proposed development. The City Attorney has been in contact with Mr. Sanders since the original meeting in late August. Draft Engineering Plans are complete and will be submitted to Development Services for a courtesy review. Mr. Bruner declined at this time, however, to make a formal presentation to the Council, as they believe it would be premature to do so.

As mentioned above, the proposed site is a Creek Allotment. As such, the City has no jurisdiction or authority

on this area. On-site water and wastewater facilities remain under the jurisdiction and authority of the Environmental Protection Agency (EPA). In order to ensure that the structures are built in compliance with City Standards, Staff remains willing to review the plans and perform inspections, if asked to do so.

**Cost:**                      **None**

**Prepared By:**            **Beth Anne Wilkening, City Attorney**

**Reviewed By:**           **Assistant City Manager - Operations  
Development Services**

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

**Attachments:**          **Map of Location**

**Recommendation:**  
No action required.