



City of Broken Arrow

Request for Action

File #: 17-2262, **Version:** 1

Broken Arrow Planning Commission
06-08-2017

To: Chairman and Commission Members
From: Development Services Department
Title: Public hearing, consideration, and possible action regarding BAZ-1981 (rezoning), Tenison Property, 0.36 acres, R-2 to ON, north of Kenosha Street, one-half mile west of Elm Place at 1001 N. Highland Drive

Background:

Applicant: Jason R. Tenison
Owner: Jason R. Tenison
Developer: Jason R. Tenison
Engineer: NA
Location: North of Kenosha Street, one-half mile west of Elm Place at 1001 N. Highland Drive
Size of Tract 0.36 acres
Number of Lots: 1
Present Zoning: R-2
Proposed Zoning: ON
Comp Plan: Level 2 (Urban Residential)

BAZ 1981 is a request to change the zoning designation on a 0.36-acre parcel from R-2 (Single-Family Residential) to ON (Office Neighborhood). The property, which has been platted as a part of Kenwood Addition, is located north of Kenosha Street, one-half mile west of Elm Place at 1001 N. Highland Drive. There is an existing single-family detached residential structure on the property. No information has been submitted as to what type of office use is proposed. All of the property in the Kenwood Addition is zoned R-2.

The plat for Kenwood Addition was recorded in Tulsa County on June 24, 1948. According to the covenants that were recorded with the plat, "All lots in said addition shall be known and described as residential lots and no structure shall be erected on any residential lot other than one detached single family dwelling not to exceed two stories in height with not more than a two car garage." No information has been provided acknowledging any modification to the private covenants. All the lots in the Kenwood Addition contain single family detached homes. The lot associated with BAZ 1981 meets the minimum lot size and frontage requirements of the ON district.

When the plat for Kenwood Addition was recorded in Tulsa County in 1948, 50 feet of right-of-way from the section line was dedicated along Kenosha Street. According to the plat, no utility easement was provided

adjacent to Kenosha Street. Kenosha Street is classified as a primary arterial street. Primary arterial streets, according to today's Subdivision Regulations, require 60 feet of right-of-way from the section line along with a 17.5-foot utility easement.

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

Surrounding land uses and zoning classifications include the following:

North:	R-2	Kenwood Addition
East:	R-2	Kenwood Addition
South:	CN	Tire shop south side of Kenosha Street
West:	R-2	Kenwood Addition

The property is designated as Level 2 in the Comprehensive Plan. ON zoning is identified as being in conformance with the Comprehensive Plan in Level 2 when it is located adjacent to an arterial street such as Kenosha Street. However, the Comprehensive Plan also states, "None of the traffic from the ON area shall utilize roads that pass through a single-family residential area prior to reaching an arterial street." Highland Drive is a residential street and there is a single-family detached residential structure across the street to the west. There is not adequate frontage onto Kenosha Street for access to occur from Kenosha Street and meet the access separation requirements of the Zoning Ordinance. Therefore, access to the property associated with BAZ 1981 will need to be from Highland Drive, which is a residential street. Using a residential street to access ON property in Level 2 is not considered to be in accordance with the Comprehensive Plan.

Attachments: Case map
Aerial photo
Comprehensive Plan
Kenwood Addition plat
Kenwood Addition plat and covenants

Recommendation:

The property is designated as Level 2 in the Comprehensive Plan. In Level 2, ON zoning is identified as being in conformance with the Comprehensive Plan, when it located next to an arterial street such as Kenosha Street. However, none of the traffic from the ON area shall utilize roads that pass through a single-family residential area prior to reaching an arterial street. Highland Drive, which BAZ 1981 abuts, is a residential street with single family residential directly across the street to the west. To access the property associated with BAZ 1981, traffic has to pass through a single-family residential area, which is not in compliance with the Comprehensive Plan. As a result, the ON zoning being sought with BAZ 1981 is not in conformance with Comprehensive Plan.

In addition, according to the covenants, the lots in Kenwood Addition can only be used for single-family detached residential lots. While the City of Broken Arrow cannot enforce private covenants, the zoning on the property needs to coincide with the covenants.

Since the rezoning request is not in compliance with the Comprehensive Plan and is not allowed by the private covenants, Staff recommends that BAZ 1981 be denied.

If the Planning Commission is inclined to approve BAZ 1981, Staff recommends that it be approved subject to

the following:

1. As per the Subdivision Regulations, ten feet of additional right-of-way shall be dedicated along Kenosha Street by separate instrument, along with a 17.5-foot wide utility easement next to Kenosha Street by separate instrument.
2. Copy of the documentation recorded in Tulsa County showing that the covenants have been amended to allow an office use on the property shall be provided to Staff.
3. If the existing structure is to be used for office uses, it shall be brought up to commercial building code before it can be used as such.
4. No vehicular access shall be allowed to Kenosha Street.

Reviewed by: Larry Curtis

Approved by: Michael Skates

BDM