



# City of Broken Arrow

## Request for Action

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**File #: 19-233, Version: 1**

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**Broken Arrow Planning Commission  
02-14-2019**

**To:** Chairman and Commission Members  
**From:** Development Services Department  
**Title:** Approve (Change of Access) CA 19-101, New Heart Fellowship Church - Snead, 15.53 acres, A-1/SP-172A and R-2, east of 23rd Street (County Line Road/193rd E. Avenue), one-half mile north of Florence Street (111th Street)

**Background:**  
**Applicants:** Ben Calmer with New Heart Fellowship Church and Mark Snead  
**Owners:** New Heart Fellowship Church and Mark Snead  
**Developers:** New Heart Fellowship Church, Mark Snead, and David Allen  
**Location:** East of 23rd Street, one-half mile north of Florence Street  
**Size of Tract:** 15.53 acres  
**Number of Lots:** 2  
**Present Zoning:** A-1/SP-172A and R-2  
**Comp Plan:** Public/Semi-Public, Level 2, and Greenway/Floodplain

CA 19-101 involves property that has been platted as New Heart Fellowship Church. The property is located east of 23<sup>rd</sup> Street (County Line Road/193<sup>rd</sup> E. Avenue), one-half mile north of Florence Street (111<sup>th</sup> Street). When the New Heart Fellowship Church property was platted, it showed four points of access to 23<sup>rd</sup> Street. With CA 19-101, applicants are requesting that the north access point be enlarged from 60 feet in width to 80 feet in width. In addition, they are requesting that the centerline of the south access point be shifted 95 feet to the south and that the width of the access point be increased from 60 feet to 70 feet. No changes are being requested to the other two points of access.

Four previous cases (BAZ-1934, BAZ-1935, BAL-1072, and BAL-1074) are connected to this request for a change of access. On May 5, 2015, the Broken Arrow City Council approved BAZ-1934 and BAZ-1935 to change the zoning on these parcels, which were on the north and south end of the New Heart Fellowship property, from A-1 to R-2. The rezoning was done in conjunction with two lot split requests, BAL-1072 and BAL-1074. Both of these lot split requests were conditionally approved by the Planning Commission on May 14, 2015. It was the intent of the Church to convey the north part of the property associated with BAZ-1935 and BAL-1974 to Mark Snead and to trade the south part of the property associated with BAZ-1934 and BAL-1972 to David Allen in exchange for some property owned by Mr. Allen. The property associated with BAZ-1935 and BAL-1974 was conveyed to Mark Snead in 2015. The land exchange between New Heart Fellowship Church and David Allen, however, has not occurred.

A site plan for New Heart Fellowship Church was submitted to and conditionally approved by the Planning

Commission on December 2, 2004. One of the conditions associated with the approval of the site plan was that a sidewalk be constructed along 23rd Street. The revised site plan that was submitted to and approved by Staff in 2005 showed a sidewalk along 23rd Street. The sidewalk, however, was not constructed. The plat for New Heart Fellowship was recorded in Wagoner County on June 24, 2005.

One of the conditions associated with the approval of both BAL-1072 and BAL-1074 was that the sidewalk along 23rd Street would be constructed (within three years) in accordance with the Subdivision Regulations, 5 feet in width and one foot from the property line in the street right-of-way, for all the property platted as New Heart Fellowship Church. In a letter dated May 14, 2015, that was submitted to the City of Broken Arrow, the Church acknowledged that the sidewalk would be constructed within three years from the date of the letter. On November 14, 2018, Staff visited the site and observed that the sidewalk still had not been constructed. On this same day, a letter was sent to the pastor for New Heart Fellowship requesting an update on the status for getting the sidewalk installed.

On January 10, 2019, Staff met with members of New Heart Fellowship Church. The Church acknowledged that they will be constructing a five foot wide sidewalk along all of the Church's property along 23rd Street (County Line Road). On January 17, 2019, Staff received a letter from the Pastor with New Heart Fellowship requesting that the Church be allowed to construct the sidewalk in three phases over the next three years. The first phase, which would be completed by December 31, 2019, would be constructed between the Church's two drives. The second phase, which would be from the north drive to the property shared with Mark Snead, would be completed by December 31, 2020. The last phase, which would be from the south entry drive to the south property line that will become David Allen's property, will be completed by December 31, 2021. Prior to construction, New Heart Fellowship Church will submit drawings showing the location of the sidewalk along with handicap access ramps. The sidewalk will be constructed to City of Broken Arrow standards. Mr. Snead will be responsible for the portion of the sidewalk across his property, and Mr. Allen will be responsible for the portion of the sidewalk that will be crossing his future property.

It is Mr. Snead's desire to build two single-family residential units on his property. Before this can be done, the property associated with BAL-1074 will need to be combined with another parcel owned by Mr. Snead and then redivided. The property Mr. Snead owns that was associated with BAZ-1935 and BAL-1074 has direct access to 23rd Street. The width of the property along 23<sup>rd</sup> Street that is owned by Mr. Snead coincides with the 80-foot wide change of access being requested.

On February 5, 2019, the City Council approved BAZ-2022 to change the zoning on 64.27 acres owned by Mark Snead and David Allen from A-1 to R-2 and FD. BAZ-2022 was approved as recommended by Planning Commission and Staff. Platting was waived, provided all the conditions associated with BAZ-1934, BAZ-1935, BAL-1072, and BAL-1074 are fulfilled. For Mr. Snead's property, this means that he needs to construct the sidewalk across the portion of his property that was associated with BAZ-1935 and BAL-1074. New Heart Fellowship Church has acknowledged they will construct the sidewalk over their property in three phases over the next three years. As noted in their January 14, 2019, letter, construction of the sidewalk on the New Heart Fellowship Church property shall be completed by December 31, 2021. For Mr. Allen, he will be responsible for constructing the sidewalk over the property he is in the process of obtaining. No Certificate of Occupancy will be issued for Mark Snead or David Allen until the installation of the sidewalks are complete on each of their properties.

One of the conditions associated with BAL-1072 was that a request for a change of access to 23<sup>rd</sup> be submitted to and approved by the Planning Commission. The change of access submitted with CA19-101 fulfills this requirement. The width of the access point is being enlarged to 70 feet, which coincides with the width of lot

split approved with BAL-1072.

**Attachments:** Case map  
Access Change Exhibit  
Aerial photo  
New Heart Fellowship Church plat  
Lot split exhibit and legal description for BAL-1072 and BAL-1074  
January 14, 2019, letter from New Heart Fellowship Church

**Recommendation:**

Staff recommends CA19-101 be approved as requested, subject to the fulfillment of the conditions associated with BAZ-1934, BAZ-1935, BAL-1072, and BAL-1074. The sidewalks across the north 80 feet of the property and the south 70 feet of the property shall be completed prior to any Certificates of Occupancy being issued. As noted in their January 14, 2019, letter, construction of the sidewalk on the remainder of the New Heart Fellowship Church property shall be completed by December 31, 2021. Applicant shall record the change of access documentation in Wagoner County and provide a digital copy to the City of Broken Arrow after filing.

**Reviewed By:** Larry R. Curtis

**Approved By:** Michael W. Skates

BDM