



City of Broken Arrow

Request for Action

File #: 19-1265, **Version:** 1

**Broken Arrow Planning Commission
10-24-2019**

To: Chairman and Commission Members
From: Development Services Department
Title: Approval of BAL-2060CB (Lot Combination), New Heart Church Lot Combination, 2 Lots, 14.62 acres, A-1 to R-2 and FD, one-quarter mile north of Florence Street (111th Street), east of 23rd Street (County Line Road)

Background:

Applicant: New Heart Church
Owner: New Heart Church
Developer: New Heart Church
Surveyor: Bennett Surveying, Inc.
Location: One-quarter mile north of Florence Street (111th Street), east of 23rd Street (County Line Road)
Size of Tract 14.62 total acres; Tract 1 - 13.87 acres; Tract 2 - 0.75 acres
Number of Lots: Combining two lots into one
Present Zoning: A-1 (R-2 and FD approved with BAZ-2022)
Comp Plan: Level 2 (Urban Residential) and Greenway/Floodplain

Lot combination request BAL-2060CB involves 14.62-acres located one-quarter mile north of Florence Street (111th Street), east of 23rd Street (County Line Road). The property is presently zoned A-1. With BAZ-2060CB, applicant is requesting to combine two lots into one lot. Tract 1, which contains 13.87 acres, has been platted as New Heart Fellowship Church, and is remnant parcel associated with previous lot splits BAL-1074 and BAL-1075 that were approved by the Planning Commission on May 14, 2015. Tract 2, which contains 0.75 acres, was created as part of lot split application BAL-2056 that was approved by the Planning Commission on September 26, 2019.

Six previous cases (BAZ-1934, BAZ-1935, BAL-1072, BAL-1074, BAZ-2022, and BAL-2056) are connected to this lot combination case. On May 5, 2015, the Broken Arrow City Council approved BAZ-1934 and BAZ-1935 to change the zoning on two separate parcels from A-1 to R-2. At the time of both these rezoning requests, the property was owned by New Heart Fellowship, Inc. 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 property associated with BAZ-1935 and BAL-1074 to Mark Snead and to trade 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 has not occurred, but is starting to move forward with this application. On September 26, 2019, the Planning Commission approved BAL-2056 that divided Mr. Allen's property into three tracts.

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 14, 2019, New Heart Church provided a letter acknowledging that they would construct the sidewalk in three phases. The letter stated that the sidewalk for the middle section between New Heart's north and south entries would be completed by December 31, 2019.

On February 5, 2019, the City Council approved BAZ-2022 to change the zoning on the property east of the New Heart Church from A-1 (Agricultural) to R-2 (Single-Family Residential) and FD (Floodplain District). Platting was waived provided all the conditions associated with previous rezoning applications, BAZ-1934 and BAZ-1935 were completed along with the conditions associated with BAL-1072 and BAL-1074. The conditions associated with BAZ-1934, BAZ-1935, BAL-1072, and BAL-1074 are acknowledged below along with the completion of these requirements acknowledged in italics.

1. Warranty deeds for both parcels shall be brought simultaneously to the Planning Division to be stamped prior to being recorded in Wagoner County. *(The warranty deed associated with BAL-1074 has been recorded in Wagoner County for Mark R. and Ginger S. Snead. No warranty deed involving BAL-1072 has been submitted, but this can occur as part of the lot combination submitted with BAL-2057CB and BAL-2060CB).*
2. Sidewalk shall be constructed along 23rd Street 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 of the property platted as New Heart Fellowship Church prior to the warranty deeds being stamped. *(Mr. Snead, property owner associated with BAL-1074, has acknowledged and the City has accepted, will construct the sidewalk across his property as part of his home construction. New Heart Church has provided a letter that they will complete the sidewalk in three phases by 2021. Mr. Allen, property owner associated with BAL-1072 and BAL-2057CB, has placed money in escrow for the sidewalk construction.)*
3. Prior to Tract 1 being joined together with the abutting property to the east, the abutting property to the east shall be rezoned R-2. *(BAZ-2022 which rezoned 64.27 acres from A-1 to R-2 and FD, was approved by the City Council on February 5, 2019.)*
4. Comments contained in May 4, 2015, memo from Stormwater Division Manager shall be addressed prior to the warranty deeds being stamped. *(In conjunction with BAZ-2022, a legal description that identified the 100-year floodplain boundaries was provided.)*
5. A request for a change of access to 23rd Street shall be submitted to and approved by the Planning

Commission prior to the warranty deeds being stamped. *(CA19-101 was approved by the Planning Commission on February 14, 2019, and has been recorded in Wagoner County.)*

Oklahoma Natural Gas (ONG), Public Service Company of Oklahoma (PSO), Cox Communications, Windstream, and Rural Water District #4 have indicated that they do not have any problems with the proposed lot combination.

Attachments:

- Case map
- Aerial and property delineations
- Legal descriptions
- New Heart Fellowship Church plat
- New Heart Fellowship Church approved site plan
- May 14, 2015 letter from New Heart Fellowship Church
- November 14, 2018 letter to New Heart Fellowship Church
- January 14, 2019 letter from New Heart Fellowship Church
- Lot split exhibit and legal description for BAL-1072 and BAL-1074
- BAZ-2022 case map

Recommendation:

Staff recommends that BAL-2060CB be approved as requested. A new warranty deed that reflects this lot combination shall be submitted to the Community Development department to be stamped prior to being recorded in Wagoner County.

Reviewed and approved by: **Larry R. Curtis**

BDM