



City of Broken Arrow

Request for Action

File #: 20-110, **Version:** 1

**Broken Arrow Planning Commission
01-23-2020**

To: Chairman and Commission Members
From: Development Services Department
Title:

Approval of BAL-2069, Mark Snead Lot Split, 3 Lots, 48.54 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: Mark Snead
Owner: Mark Snead
Developer: Mark Snead
Surveyor: Bennett Surveying, Inc.
Location: One-quarter mile north of Florence Street (111th Street), east of 23rd Street (County Line Road)
Size of Tract 48.54 total acres; Tract 1 - 16.90 acres; Tract 2 - 16.22 acres; Tract 3 - 15.41 acres
Number of Lots: Splitting parcel into three lots
Present Zoning: A-1 (R-2 approved with BAZ-1934 and BAZ-2022, which also included FD)
Comp Plan: Level 2 (Urban Residential) and Greenway/Floodplain

Lot split request BAL-2069 involves 48.54-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 BAL-2069, applicant is requesting to split the 48.54 acres into three lots.

Four previous cases (BAZ-1935, BAL-1074, BAZ-2022, and BAL-2058CB) are connected to this lot combination case. On May 5, 2015, the Broken Arrow City Council approved BAZ-1935 to change the zoning on a 0.61 acre parcel from A-1 to R-2. At the time of this rezoning request, the property was owned by New Heart Fellowship, Inc. The rezoning was done in conjunction with lot split request BAL-1074. The lot split request was conditionally approved by the Planning Commission on May 14, 2015.

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 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. Phase 1 of the sidewalk construction for New Heart Church has been completed.

On February 5, 2019, the City Council approved BAZ-2022 to change the zoning on 64.27 acres 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 were completed.

On September 26, 2019, the Planning Commission approved BAL-2058CB that combined three lots that were owned by applicant associated with BAL-2069 into one parcel. For financial reasons, applicant is now requesting with BAL-2069 to split the property into three lots. A new house is proposed to be constructed on Tract 1.

The abutting property to the north has been platted as Elmwood Estate, Elmwood Estates II, Elmwood Estates 3rd, and Elmwood Estates 4th. All four of these plats were approved in Wagoner County prior to being annexed into the City of Broken Arrow. The pavement associated with S. 198th Street and S. 200th Street was not completed to the south property line of Elmwood Estate and Elmwood Estates II, which abuts the property associated with BAL-2069.

Consequently, while Tract 1 has access to the dedicated right-of-way associated with S. 200th Street to the north, this street has not been completely constructed south of E. 106th Street. Similarly, Tract 2 has access to the dedicated right-of-way for S. 198th Street, but the street has not been constructed south of E. 106th Street, only gravel exists. The construction of a local street is normally the responsibility of the private developer. The private developer builds the street and dedicates it to the City for the long term maintenance. The City's policy on streets that are annexed into the City is to continue to maintain the street in the same condition as when it was annexed. Applicant has acknowledged that he will improve S. 198th Street and S. 200th Street to standards acceptable to the City of Broken Arrow.

Applicant is proposing to construct a gate at the access points to 198th Street and 200th Street. Tract 3 fronts onto 23rd Street. Applicant is also in the process of designing a private bridge across a tributary of Broken Arrow Creek that will allow Tract 3 access to 23rd Street.

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
Legal descriptions
New Heart Fellowship Church plat
Elmwood Estate plat

Elmwood Estates II plat
Elmwood Estates 3rd plat
Elmwood Estates 4th plat
Proposed gates on S. 198th Street and S. 200th Street
Pictures of property
January 14, 2019 letter from New Heart Fellowship Church

Recommendation:

BAL-2069 proposes to split a 48.95 acre parcel into three lots. Access to Tracts 1 and 2 is from S. 198th Street and S. 200th Street. The right-of-way for both these streets was dedicated in Wagoner County prior to being within the City Limits of Broken Arrow. Both streets have not been completed to the property line associated with BAL-2069. Local streets such as 198th Street and 200th Street are built by the private developer and once accepted by the City are maintained by the City. Applicant, who is proposing a private gate at each of these two streets, has acknowledged that he will improve portions S. 198th Street and S. 200th Street south of E. 106th Street to the standards required by the City of Broken Arrow. Staff recommends that BAL-2069 be approved, subject to the following:

1. Warranty deeds for all parcels shall be brought simultaneously to the Community Development Department to be stamped prior to being recorded in Wagoner County.
2. Prior to the warranty deeds being stamped, plans for the improvement of S. 198th Street and S. 200th Street shall be submitted to and approved by the City of Broken Arrow.

Reviewed by: **Jill Ferenc**

Approved by: **Larry R. Curtis**

BDM