



City of Broken Arrow
Minutes
Planning Commission

City of Broken Arrow
Council Chambers
220 S 1st Street
Broken Arrow OK
74012

Chairperson Fred Dorrell
Vice Chair Lee Whelpley
Member Ricky Jones
Member Carlyne Isbell-Carr
Member Mark Jones

Thursday, September 8, 2016

5:00 PM

Council Chambers

1. Call To Order

The meeting was called to order by Chairman, Fred Dorrell at 5:00 p.m.

Rollcall

Present 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

3. Old Business

None

4. Consideration of Consent Agenda

A. [16-1095](#) **Approval of Planning Commission meeting minutes of August 25, 2016.**

MOTION: by Mark Jones to approve the Consent Agenda items. The motion was seconded by Carlyne Isbell-Carr.

Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

B. [16-1086](#) **Consideration and possible action regarding BAL 1096, Bricktown West Extended, 1.30 acres, PUD 161G/CG, north of the northeast corner of Kenosha Street and Olive Avenue**

MOTION: by Mark Jones to approve the Consent Agenda items. The motion was seconded by Carlyne Isbell-Carr.

Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

C. [16-1070](#) **Consideration and possible action regarding BAL 1099, Aspen Park Village, 24.09 acres, PUD 118A, one-quarter mile north of Kenosha**

Street, east of Aspen Avenue

MOTION: by Mark Jones to approve the Consent Agenda items. The motion was seconded by Carolyne Isbell-Carr.

Aye: 5 - Mark Jones, Carolyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

5. Consideration of Items Removed from Consent Agenda

None

6. Public Hearings

A. [16-1024](#) Public hearing, consideration, and possible action regarding BAZ 1963, Still/Denton Property, 2.59 acres, A-RE to RE, one-quarter mile west of 23rd Street, one-half mile north of New Orleans Street

Brent Murphy presented the background saying, BAZ-1963 is a request to change the zoning designation on 2.59 acres from A-RE (Annexed Residential Estate), which was the zoning classification when this property was annexed into the City, to RE (Residential Estate). He said this property is unplatted and is located one-quarter mile west of 23rd Street, one-half mile north of New Orleans Street.

Mr. Murphy said there is an existing, single family, structure on this property. He said the applicant proposes to split this property; however, the property must be rezoned before a lot split can occur to be in compliance with the current zoning code.

Brent Murphy said, based on the Comprehensive Plan and the location of the property, Staff recommends that BAZ-1963 be approved and platting be waived. He said the Staff report said a 17.5-foot utility easement must be provided; however, Staff evaluated the property further and feel there is no need for a utility easement to be dedicated; therefore, Staff recommends approval of BAZ-1963 with the suggestion that platting be waived.

Fred Dorrell asked if the applicant is present and in agreement with Staff recommendations. The applicant, Roy Still was in the audience and said he is in agreement with Staff recommendations.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on this item.

Kathleen Doyle, 18980 E. 96th Street, said her property was purchased as Agriculture. She stated concerns that her land is not all Agriculture, due to the designation shown on the Public Notice she received. In addition, she stated concerns about the surrounding properties' being changed from Agriculture to Residential. She said she does not want this area to be Residential and asked who decides zoning changes.

Brent Murphy said this property was annexed into the City November 9, 2001 per Annexation Ordinance number 2398 and offered a copy of the ordinance to Ms. Doyle.

Kathleen Doyle said she knew about the annexation. She said she purchased the property in 2004 and pulled permits to build on the top half of her property. She said her building permits say Agriculture; however, the Notice for this rezoning application show it as Residential Estate. She asked when the property changed from Agriculture to Residential Estate and why there was no notice and what the difference is between Annexed-RE and RE.

Brent Murphy said this property was annexed into the City and there was no public hearing for the zoning on the property. He said the annexation designation was added to the zoning, residential estates. He said property owners, in this area, who wish to change their property must go through the re-zoning process to remove the designation of A-RE to RE to keep the property in conformance with current zoning codes.

Kathleen Doyle said she does not want her property to be Residential Estate and asked who changed her property from Agriculture.

Farhad Daroga said in the late 1990's, the City annexed many properties that were surrounded on three or more sides, by City limits and using city services or had the need for City services. City ordinance says that when property is annexed, the property will have a designation of "A" (Annexation) added to the size of the properties that were zoned with the County designation or then size of the property that is the appropriate zoning category. The lots in this area, met the RE criteria with Tulsa County and Broken Arrow zoning. Prior to 2000 it was a Rural Residential subdivision and all of the Rural Residential Estate subdivisions were brought into the City as, A-RE. Several subdivisions of this designation were annexed during this time. Subsequently, the current annexation policies are different; however, that was the policy at that time from 1992-2000.

Kathleen Doyle said the information is correct; however, she purchased her property in 2004 and it was noted as Agriculture. She asked when her property designation was changed from Agriculture between 2004 and 05, when she purchased the property. She said she wants her property to be Agriculture and that is what is shown on all of her paperwork.

Michael Skates said Staff can meet with Ms. Doyle. He said the ordinance, that was approved for the annexation, identifies A-RE and AR-1 as having 21 lots. He said there are three tracts of land with AC-3 zoning and the ordinance zoning classification on these tracts of land are hereby changed to A-1, AR-E, AR-1 and AC-3; however, the map attached with this does not identify exactly which lots those are. He told Ms. Doyle to provide her information to Staff so they can identify her specific property and identify her exact zoning classification, per the Ordinance that was approved. He said if Ms. Doyle's property was A-1 then, by ordinance, it was changed to AR-E.

Kathleen Doyle said she has horses. Michael Skates said horses are allowed in Residential Estate zoning.

Fred Dorrell asked Ms. Doyle to meet with Staff to discuss further. He said the item before the Commission is BAZ-1963. Ms. Doyle said okay.

Fred Dorrell asked if there was anyone else who wished to speak about BAZ-1963. No one responded. Mr. Dorrell closed the public hearing.

Mr. Dorrell asked if the applicant had anything to say or add to the comments that were said. The applicant said no.

MOTION: by Ricky Jones to approve BAZ-1963, which includes the plat waiver and the utility easement requirement to be removed as a requirement, per Staff recommendations. The motion was seconded by Lee Whelpley.

After the vote, Fred Dorrell said this item will be heard by the City Council on October 4, 2016, at 6:30 p.m.

Aye: 5 - Mark Jones, Carolyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

7. Appeals

None

8. General Commission Business

None

9. Remarks, Inquiries and Comments by Planning Commission and Staff (No Action)

None

10. Adjournment

MOTION: by Ricky Jones to adjourn, at 5:13 p.m. The motion was seconded by Carolyne Isbell-Carr.

Aye: 5 - Mark Jones, Carolyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones