



City of Broken Arrow

Minutes Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

Chairperson Ricky Jones
Vice Chairperson Lee Whelpley
Commission Member Fred Dorrell
Commission Member Mark Jones

Thursday, July 11, 2019

Time 5:00 p.m.

Council Chambers

1. Call to Order

Chairperson Ricky Jones called the meeting to order at approximately 5:00 p.m.

2. Roll Call

Present: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

Staff Planner Amanda Yamaguchi presented the Consent Agenda.

- A. 19-849 **Approval of Planning Commission meeting minutes of June 13, 2019**
- B. 19-865 **Approval of Planning Commission meeting minutes of June 27, 2019**
- C. 19-847 **Approval of BAL-2055 (Lot Split), Barbee Property, 1 Lot, 5 acres, one-quarter mile south of Kenosha Street (71st Street), west of 51st Street (Evans Road)**
Ms. Yamaguchi reported the applicant was in agreement with the Staff Report.

Chairperson Jones explained the Consent Agenda consisted of routine items, minor in nature, and was approved in its entirety with a single motion and a single vote, unless an item was removed for discussion. He asked if there were any items to be removed from the Consent Agenda; there were none.

MOTION: A motion was made by Fred Dorrell, seconded by Lee Whelpley.

Move to approve Consent Agenda Items 4A, 4B and 4C per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 4A and 4B would go before City Council on August 6, 2019 at 6:30 p.m. He explained if any individual desired to speak regarding this Item, said individual was required to fill out a Request to Appear before City Council form in advance.

5. Consideration of Items Removed from Consent Agenda

No Items were removed from the Consent Agenda. No action was taken or required.

6. Public Hearings

- A. 19-817 **Public hearing, consideration, and possible action regarding BAZ-2032, Sommer Rezoning, 32.753 acres, A-1 (Agricultural) to CG (Commercial General), west of 23rd Street (193rd East Avenue/County Line Road) and north of the Creek Turnpike**
Jane Wyrick, Planner II, reported BAZ-2032 was a request to change the zoning designation on 32.75 acres from A-1 (Agricultural) to CG (Commercial General). She stated the subject property used to be larger; however, a portion of this property was used for construction of the Creek Turnpike, and a half acre stretch was donated as right of way along 23rd Street. She stated the site was designated as Level 6 and Commercial General was considered to be in accordance with the Comprehensive Plan in Level 6. She stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended BAZ-2032 be approved subject to platting.

The applicant Mike Sommer stated his address was 8615 S. 74th E. Avenue. He stated he was in agreement with Staff recommendations.

Chairperson Jones opened the Public Hearing for Item 6A. He asked if any present wished to speak regarding Item 6A; hearing none, he closed the Public Hearing.

Vice Chairperson Whelpley asked if this property was located next to the new Fire Station. Mr. Larry Curtis responded in the affirmative; just to the south.

MOTION: A motion was made by Mark Jones, seconded by Fred Dorrell.

Move to approve Item 6A, BAZ-2032, per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 6A would go before City Council on August 6, 2019 at 6:30 p.m. He recommended the applicant attend this City Council Meeting. He explained if any individual desired to speak regarding this Item, said individual was required to fill out a Request to Appear before City Council form in advance.

B. 19-848 Public hearing, consideration, and possible action regarding BACP-163 (Comprehensive Plan Change), Tidal Wave, 3.11 acres, Public/Semi Public to Level 6, south of the southeast corner of Houston Street (81st Street) and Elm Place (161st East Avenue)

Staff Planner Amanda Yamaguchi reported BACP-163 was a request to change the Comprehensive Plan designation on a 3.11 acre tract of land. She reported the applicant requested the Comprehensive Plan designation be changed from Public/Semi Public to Level 6, to eventually rezone the property from R-2 to CH (Commercial Heavy). She stated the property was owned by Broken Arrow Public Schools and was previously used as the track area of the former elementary school to the north. She stated Staff recommended BACP-163 be approved subject to the property being platted.

The applicant Jason Stidman stated his address was 7865 Hornbeam Road, Henryetta, OK. He stated he agreed with Staff recommendations. Chairperson Jones noted the name Tidal Wave made him curious. Mr. Stidman explained Tidal Wave would be a car wash.

Chairperson Jones opened the Public Hearing for Item 6B. He asked if any present wished to speak regarding Item 6B; hearing none, he closed the Public Hearing.

MOTION: A motion was made by Fred Dorrell, seconded by Lee Whelpley.

Move to approve Item 6B, BACP-163, per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 6B would go before City Council on July 16, 2019 at 6:30 p.m. He recommended the applicant attend this City Council Meeting. He explained if any individual desired to speak regarding this Item, said individual was required to fill out a Request to Appear before City Council form in advance.

7. Appeals

There were no Appeals.

8. General Commission Business

A. 19-755 Election of Planning Commission Chairman and Vice Chairman for 2019-2020

Acting Director of Community Development Larry Curtis reported it was time to elect a new Chairman and Vice Chairman. Chairperson Jones stated it was generally Planning Commission policy to rotate the positions.

MOTION: A motion was made by Ricky Jones, seconded by Lee Whelpley.

Move to approve Fred Dorrell as Chairman for 2019-2020

The motion carried by the following vote:

Aye: 3 - Mark Jones, Lee Whelpley, Ricky Jones

Recused: 1 - Fred Dorrell

MOTION: A motion was made by Fred Dorrell, seconded by Mark Jones.

Move to approve Lee Whelpley as Vice Chairperson for 2019-2020

The motion carried by the following vote:

Aye: 3 - Mark Jones, Fred Dorrell, Ricky Jones

Recused: 1 - Lee Whelpley

B. 19-850 Consideration, discussion, and possible approval of Request to Appear forms and Guidelines for Planning Commission meetings

Mr. Larry Curtis reported City Council utilized this form and had made the form available to the Planning Commission, Board of Adjustment, and other commissions and boards throughout the City. He stated the form helped Staff understand and keep record of the citizens who came to speak. He explained the forms were slightly easier to manage than attempting to record names and addresses as citizens came forward. He noted Staff encouraged the Planning Commission to adopt the form if possible.

Vice Chairperson Whelpley stated he liked the form and had used it in the past. He noted it simplified matters for the Chairman in terms of who would speak when.

Commissioner Dorrell asked if the form would help alleviate the problem of speakers who simply reiterated the subject matter of previous speakers. Mr. Curtis displayed and reviewed a copy of the form which gave speakers the opportunity to indicate subject matter, if opposed to or in favor of, and also included a section which indicated the individual did not wish to speak, but was in favor of or opposed to the subject. He noted the Chairman always had the right to ask individuals not to repeat comments made by previous speakers.

MOTION: A motion was made by Mark Jones, seconded by Lee Whelpley.

Move to approve Item 8B for adoption of use for the Planning Commission as per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

C. 19-851 Consideration, discussion, and possible approval of modified time limits on the Request to Appear forms and Guidelines for Planning Commission meetings

Mr. Curtis reported the proposed time limit for the applicant was ten minutes with a rebuttal time of five minutes, and the proposed time limit for public comments was three minutes. He stated the time limits could be updated and changed in the future. He noted the Chairperson had the right to permit individuals to speak longer than the time limit. Discussion ensued regarding time limits and development of a statement regarding the time limits to be read prior to Public Hearings.

Assistant City Attorney Tammy Ewing noted the forms indicated individuals should turn the form in to the City Clerk and watch the City Clerk regarding time limit. She suggested changing this as there was no City Clerk available for Planning Commission Meetings. Mr. Curtis recommended changing "City Clerk" to "Staff." Vice Chairperson Whelpley asked if any other boards had approved the forms and time limits. Mr. Curtis responded in the negative. Discussion ensued regarding personalizing the form for the Planning Commission as necessary.

MOTION: A motion was made by Fred Dorrell, seconded by Lee Whelpley.

Move to approve Item 8C per Staff recommendation with the three minute time limit

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

D. 19-883 Consideration, discussion, and possible action to direct staff to analyze RM (Residential Multi-Family), IL (Industrial Light), and IH (Industrial Heavy) zoning districts and how they correlate to the primary use of the property

Mr. Larry Curtis stated there were areas in the City presently zoned as Residential Multifamily (RM), Industrial Light (IL), and industrial Heavy (IH) which did not necessarily correlate with the uses associated with the property. He explained the subject arose when the Planning Commission became aware of a single family residential neighborhood which was zoned RM due to zoning changes which occurred after the residential neighborhood was developed. He notes through some initial reviews of the City it was determined most of these zoning inconsistencies were located in RM, IL or IH zoning. He noted some IL and IH zoned areas contained commercial use out parcels. He asked for direction from the Planning Commission to research, discover and report these locations back to the Planning Commission for additional direction. He indicated there were several possible solutions including rezoning the properties, amending the code, and providing specific statements for the properties, but Staff would most likely recommend rezoning the properties to bring the properties into compliance. Chairperson Jones indicated Staff wished to be given direction to research and identify the out of compliance parcels, and report the locations to the Planning Commission. Mr. Curtis concurred.

Vice Chairperson Whelpley asked how this might correlate with the Comprehensive Plan change. Mr. Curtis responded research would be done to see how the Comprehensive Plan change would affect the properties; however, most likely the properties, even if rezoned, would be in compliance with the Comprehensive Plan. Discussion ensued regarding the Comprehensive Plan changes, how rezoning might be affected by the Comprehensive Plan, how the Comprehensive Plan might affect the rezoning, and the situation which led to this directive.

MOTION: A motion was made by Fred Dorrell, seconded by Mark Jones.

Move to direct Staff to proceed forward with research identification to bring back to the Planning Commission properties for which the current use may not be properly zoned

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

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

Mr. Farhad Daroga reported the Comprehensive Plan would come before the Planning Commission for final review and adoption at the next Meeting. He noted he only received one call from a citizen interested in discussing the Comprehensive Plan.

Mr. Larry Curtis reported, at the next City Council Meeting, there would be an Item on the Agenda to create a new Committee for the Elm and New Orleans area, to create a new district associated with the area. He noted this was done in the past with the Rose District and he believed City Council would chose to move forward with the Committee and overlay district.

10. Adjournment

The meeting adjourned at approximately 5:25 p.m.

MOTION: A motion was made by Mark Jones, seconded by Lee Whelpley.

Move to adjourn

The motion carried by the following vote:

Aye: **4 -** Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones