



# City of Broken Arrow

## Minutes Planning Commission

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

*Chairperson Fred Dorrell*  
*Vice Chairperson Lee Whelpley*  
*Commission Member Ricky Jones*  
*Commission Member Mark Jones*  
*Commission Member Jaylee Klempa*

---

**Thursday, November 21, 2019**

**Time 5:00 p.m.**

**Council Chambers**

---

### 1. Call to Order

Vice Chairperson Lee Whelpley called the meeting to order at approximately 5:00 p.m.

### 2. Roll Call

**Present:** 4 - Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley,  
**Absent:** 1 - Fred Dorrell

### 3. Old Business

There was no Old Business.

### 4. Consideration of Consent Agenda

Staff Planner Amanda Yamaguchi presented the Consent Agenda.

- A. 19-1423 **Approval of Planning Commission meeting minutes of October 24, 2019**
- B. 19-1419 **Approval of (Lot Consolidation) BAL-2066CB, Byrne Lot Consolidation, 1.47 acres, R-1 to RS-1, one-quarter mile west of 9th Street (Lynn Lane), one-quarter mile north of Kenosha Street (71st Street)**
- C. 19-1389 **Approval of BAL-2067CB (Lot Consolidation), Brown Property, 2 Lots, 0.474 acre, one-third mile west of Olive Avenue (S. 129th E. Avenue), south of New Orleans Street (101st Street)**
- D. 19-1295 **Approval of PT19-106, Conditional Final Plat, Fire Station No. 3, 3.03 acres, 1 Lot, A-1 to PUD-286/CG, one-half mile south of Florence Street (111th Street), west of 23rd Street (County Line Rd), north of the Creek Turnpike**

Vice Chairperson Whelpley 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; hearing none, he called for a motion.

MOTION: A motion was made by Ricky Jones, seconded by Jaylee Klempa.

**Move to approve Consent Agenda Items 4A, 4B, 4C, and 4D per Staff recommendation**  
The motion carried by the following vote:

**Aye:** 4 - Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley

Vice Chairperson Whelpley noted Item 4D would go before City Council on December 17, 2019 at 6:30 p.m.

### 5. Consideration of Items Removed from Consent Agenda

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

### 6. Public Hearings

- A. 19-1415 **Public hearing, consideration, and possible action regarding BAZ-2039, Callaway Parking Lot II, 0.61 acres, DROD Area 5 (Downtown Residential Overlay)/R-3 (Single-Family Residential) to DROD Area 5 (Downtown Residential Overlay)/ON (Office Neighborhood), east of the northeast corner of Detroit Street and First Street**

Mr. Brent Murphy, Senior Planner, reported BAZ-2039 was a request to change zoning. He indicated the acreage should read 0.16 acres, not 0.61 acres. He stated the request was to keep the Area 5 district zoning but change the underlying zoning to ON. He noted the vacant lot was zoned as part of lot 16 and lot 17 of block 17 of the original Town of Broken Arrow. He indicated the lot was vacant. He reported on October 15, 2019, City Council approved BACP-164 to change the Comprehensive Plan designation on this property from Level 2 to Level 5; in addition, SP-137, which was a Specific Use Permit for a church parking lot on this property, was abrogated. He stated Milestone was under construction to the west of this property and the applicant proposed to develop a parking lot to be used by the Milestone building. He indicated immediately to the west of the Milestone property a parking lot had been approved by the Planning Commission and City Council. He explained the applicant

purchased two additional lots to incorporate into and expand the approved parking lot development. He stated the ON zoning requested with BAZ-2039 would allow the property to be used as a parking lot and was permitted in Area 5 of the DROD. He stated based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended BAZ-2039 be approved, and as the property was already platted, Staff recommended platting be waived. He noted, as per the Zoning Ordinance, a site plan for the parking lot would be submitted to, and approved by, Staff prior to parking lot construction. He noted the parking lot would be screened and landscaped in accordance with the Zoning Ordinance.

The applicant, Cody Callaway, stated his address was 300 N. Main Street, Suite A, Broken Arrow. He indicated he was in agreement with Staff recommendations.

Community Development Director Larry Curtis indicated Mr. Callaway provided a letter associated with this request which would be provided to the Planning Commission. He noted the letter had been reviewed by Staff.

Vice Chairperson Whelpley opened the Public Hearing and asked if any present wished to speak regarding Item 6A; hearing none, he closed the Public Hearing.

MOTION: A motion was made by Mark Jones, seconded by Jaylee Klempa.

**Move to approve Item 6A per Staff recommendations**

The motion carried by the following vote:

**Aye:** 4 - Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley

Vice Chairperson Whelpley noted this Item would go before City Council on December 17, 2019 at 6:30 p.m.

**B. 19-1414 Public hearing, consideration, and possible action regarding (Rezoning) BAZ-2040, Byrne Property, 0.47 acres, R-1 to RS-1, one-quarter mile west of 9th Street (Lynn Lane), one-quarter mile north of Kenosha Street (71st Street)**

Ms. Yamaguchi reported BAZ-2040 was a request to change the zoning designation on a 0.47-acre parcel from R-1 (Single-Family Residential) to RS-1 (Single-Family Residential). She stated the property was platted as the west half of Lot 3, Block 1, of Kenwood Acres and was located one-quarter mile west of 9<sup>th</sup> Street and one-quarter mile north of Kenosha Street. She indicated the property contained an existing single-family residential structure which met all setback requirements of the RS-1 zoning district. She explained BAZ-2003 was a request to change the zoning on the property to the north from R-1 to RS-1 and was conditionally approved by the City Council on July 17, 2018. She stated BAZ-2040 was a request to bring the south lot into the same zoning district so the lots may be combined. She noted BAL-2066CB was submitted in conjunction with this rezoning application (included and approved with the Consent Agenda). She reported the property was designated as Level 1 in the Comprehensive Plan, and the RS-1 zoning requested with BAZ-2040 was in compliance with the Comprehensive Plan in Level 1. She stated based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended BAZ-2040 be approved and platting be waived subject to a 4-foot wide sidewalk being constructed, or funds being put in escrow for this purpose, along the entire frontage of 4<sup>th</sup> Street when the new structure was constructed.

The applicant was not present but was noted to be in agreement with Staff recommendations.

Vice Chairperson Whelpley opened the Public Hearing and asked if any present wished to speak regarding Item 6B.

Citizen Cynthia Kraus stated her address was 2026 S. Ash Place. She indicated she owned property at 1039 N. 4<sup>th</sup> Street. She stated she was two lots away from the property in question. She asked why the zoning was requested to be changed. Mr. Curtis explained the property owner wished to install an accessory building: a garage. He stated the project was still to be a single-family home. Ms. Yamaguchi explained the setback in R-1 was 20% of the lot depth while in RS-1 the setback was 20 feet. Mr. Curtis noted there was a home on the property which would remain; the homeowner simply wished to construct a garage on the property. Ms. Kraus asked about the Special Use permit requirement as related to group homes. Mr. Curtis explained if the property owner wished to open a group home a Special Use Permit would be required, along with a Public Hearing before the Planning Commission and City Council; residents would have the opportunity to speak in this regard.

Vice Chairperson Whelpley asked if any others wished to speak regarding Item 6B; hearing none, he closed the Public Hearing.

MOTION: A motion was made by Jaylee Klempa, seconded by Mark Jones.

**Move to approve Item 6B per Staff recommendations**

**Aye:** 4 - The motion carried by the following vote:  
Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley

Vice Chairperson Whelpley noted this Item would go before City Council on December 17, 2019 at 6:30 p.m.

**C. 19-1421 Public hearing, consideration, and possible action regarding PUD-132D (Planned Unit Development), Good Shepherd Parking Expansion, a request for a minor amendment to PUD-132, 0.66 acres, CH/PUD-132, one-eighth mile south of Albany Street (61st Street), west of 9th Street (Lynn Lane)**

Ms. Yamaguchi reported Planned Unit Development (PUD)-132D, a minor amendment to PUD-132, involved 0.66 acres located one-eighth mile south of Albany Street (61<sup>st</sup> Street), west of 9<sup>th</sup> Street (Lynn Lane). She stated the property, zoned CH/PUD-132, was platted as Lot 3, Block 1 of Hancock Plaza. She reported PUD-132 was approved by City Council on July 15, 2002; PUD-132A was approved on October 15, 2013 which allowed Lot 3, Block 1 to be used as a veterinary clinic, reduced the landscaping buffer on the south property line to 5-feet, and reduced the parking requirement to 1 space per 300-feet of building area. She noted the site was developed in accordance with the PUD; however, since that time business had increased, and the veterinary clinic now needed more parking spaces. She stated with PUD-132D the applicant proposed to increase the parking requirement of PUD-132 from 1 space per 300 square feet to 1 space per 221 square feet, which was still less than the current parking requirements of the zoning ordinance for the use. She stated the minor amendment to PUD-132 would allow the applicant to construct nine (9) additional parking spaces on the site. She noted the applicant proposed to reduce the width of four (4) existing parking spaces and the nine (9) additional spaces from 9-feet to 8.5-feet in width in order to reconfigure the parking and bring the total number of parking spaces up to 34 parking spaces. She indicated the property was designated as Level 6 in the Comprehensive Plan and Commercial General (CH) uses associated with PUD-132D were in compliance with the Comprehensive Plan in Level 6. She stated based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended PUD-132D be approved as presented.

The applicant, Dr. Kevin Long, stated his address was 2280 N. 9<sup>th</sup> Street. He indicated he was in agreement with Staff recommendations.

Vice Chairperson Whelpley opened the Public Hearing and asked if any present wished to speak regarding Item 6C.

Citizen John Lichteneger stated his address was 836 E. Vancouver Street. He asked if the veterinary clinic intended to become a 24-hour emergency vet clinic with the added parking. He noted he lived behind the clinic and he was worried about the business being open all night.

Vice Chairperson Whelpley noted Dr. Long would have an opportunity to answer Mr. Lichteneger's question in a moment. He encouraged Mr. Lichteneger to speak with applicants prior to Public Hearings in the future regarding these types of questions. Mr. Lichteneger noted he received a letter regarding this Public Hearing last week, called the City and left a message, but never received a return phone call.

Commissioner Ricky Jones stated a veterinary clinic was permitted in a CH zone district. He asked if zoning differentiated between a 24-hour veterinary clinic and a regular business hour veterinary clinic. Ms. Yamaguchi responded in the negative; the use was permitted; hours of operation were not specified in CH zoning. Commissioner Ricky Jones stated there was no zoning which prohibited Dr. Long from becoming a 24-hour veterinary clinic should he choose to do so. Ms. Yamaguchi concurred. Mr. Curtis noted Nuisance Ordinance prohibited loud noises between the hours of 11 p.m. to 7 a.m. Commissioner Ricky Jones noted the Planning Commission did not regulate the Nuisance Ordinance; citizens should call the Police Department regarding violations of the Nuisance Ordinance. Mr. Curtis concurred.

Vice Chairperson Whelpley asked if any others wished to speak regarding Item 6C; hearing none, he closed the Public Hearing.

Dr. Long stated while he could not predict the future, at this point he had no intentions of becoming an emergency 24-hour veterinary hospital. He indicated the additional parking spaces were being created in an effort to prevent the need to extend current veterinary clinic hours. He noted he would be happy to speak with Mr. Lichteneger after the Meeting.

Commissioner Ricky Jones stated zoning code contained certain screening requirements. He asked if there was a screening fence between the veterinary clinic and residential properties. Dr. Long responded in the affirmative; there was an 8-foot high fence per zoning code. Commissioner Ricky Jones asked about lighting. Dr. Long explained there was LED lighting designed to point downward to specifically avoid glaring into neighboring windows and

property. He stated no lighting would be added with the addition of parking spaces. He stated greenery would not be reduced; only moved.

Mr. Curtis asked about Dr. Long's intention to move one of the lights. Dr. Long explained the light would be moved to the west, farther away from Mr. Lichteneger's property. Commissioner Ricky Jones asked when this project would be completed. Dr. Long responded the project would hopefully be completed before late February as March was the start of busy season.

Commissioner Ricky Jones asked if the site plan had been reviewed by Staff and met all setback, lighting, and screening requirements. Mr. Curtis responded in the affirmative. He stated the only deviation from code was the reduction in parking space width from 9 feet wide to 8.5 feet wide. Discussion ensued regarding the width of the parking spaces.

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

**Move to approve Item 6C per Staff recommendations**

The motion carried by the following vote:

**Aye: 4 -** Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley

Vice Chairperson Whelpley noted this Item would not go before City Council for approval. Mr. Curtis indicated as this was a minor amendment, the Planning Commission had final authority.

## **7. Appeals**

There were no Appeals.

## **8. General Commission Business**

There was no General Commission Business

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

Mr. Larry Curtis announced the new Planning and Development Manager Jill Ferenc would begin December 2, 2019. He stated he was excited to bring Ms. Ferenc on board. Commissioner Ricky Jones stated he had known Ms. Ferenc for many years and felt she would be a fantastic Planning and Development Manager for the City of Broken Arrow.

Mr. Curtis noted the interviews for the Urbanism and Sustainability Manager were complete and he hoped to announce the winning candidate at the next Planning Commission Meeting. He stated Broken Arrow had many strong applicants for this position.

## **10. Adjournment**

The meeting adjourned at approximately 5:24 p.m.

MOTION: A motion was made by Ricky Jones, seconded by Jaylee Klempa.

**Move to adjourn**

The motion carried by the following vote:

**Aye: 4 -** Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley