



City of Broken Arrow
Minutes
Special Meeting 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
Commission Member Pablo Aguirre

Thursday, October 11, 2018	Time 5:00 p.m.	Council Chambers
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1. Call to Order

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

2. Roll Call

Present: 3 - Fred Dorrell, Lee Whelpley, Ricky Jones
Absent: 2 - Pablo Aguirre, Mark Jones

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

Staff Planner Amanda Yamaguchi presented the Consent Agenda.

- A. 18-1129 Approval of revised landscape plan for Forest Creek Patio Homes, ST06-155, 24.36 acres, PUD (Planned Unit Development) 146/RM (Residential Multifamily), one-quarter mile east of Garnett Road, north of Houston Street**

Ms. Yamaguchi stated the applicant requested this Item be continued until the October 25, 2018 Planning Commission Meeting.

- B. 18-1171 Approval of PT18-107, Conditional Final Plat, Freedom Wash, a replat of Lot 5 and Lot 7, Block 1 of Kenwood Acres (Plat #1417), 2.76 acres, 3 Lots, R-1 to PUD-172/RD and CH, north of Kenosha Street, one-quarter mile west of 9th Street, between 4th Street and 5th Street**

Ms. Yamaguchi stated the applicant was in agreement with the Staff Report.

- C. 18-1160 Approval of PT18-110, Preliminary Plat, Casey's General Store 2, Lot 1, Block 1, 1.31 acres, 1 Lot, CG, northeast corner of Aspen Avenue and Florence Street**

Ms. Yamaguchi stated the applicant was in agreement with the Staff Report, but was not present.

- D. 18-1199 Approval of BAL-2038, 101st and 193rd, 51.38 acres, A-1 and A-CN, located to the north and west of the intersection of New Orleans Street and 23rd Street**

Ms. Yamaguchi stated the applicant was in agreement with the Staff Report.

Chairperson Ricky 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 to be removed for discussion. He asked if there were any Items to be removed other than Item 4A. There were none.

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

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

The motion carried by the following vote:

Aye: 3 - Fred Dorrell, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 4B would go before City Council on November 6, 2018 at 6:30 p.m. He explained if any citizen desired to speak regarding Item 6A, said citizen was required to fill out a Request to Appear before City Council form in advance.

5. Consideration of Items Removed from Consent Agenda

Item 4A was continued until the October 25, 2018 Planning Commission Meeting.

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

Move to continue Item 4A until October 25, 2018

The motion carried by the following vote:

Aye: 3 - Fred Dorrell, Lee Whelpley, Ricky Jones

6. Public Hearings

- A. 18-1179 **Public hearing, consideration, and possible action regarding PUD-17B (Planned Unit Development), Vandever Acre Center, 5 acres, CG/PUD-17, located north and west of the northwest corner of New Orleans Street and Elm Place**
Planner II Jane Wyrick reported Staff and the applicant requested Item 6A be continued until October 25, 2018.

Chairperson Jones stated any present who wished to speak regarding Item 6A should attend the Planning Commission Meeting on October 25, 2018 for discussion.

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

Move to continue Item 6A until October 25, 2018

The motion carried by the following vote:

Aye: 3 - Fred Dorrell, Lee Whelpley, Ricky Jones

- B. 18-1130 **Public hearing, consideration, and possible action regarding PUD-189C (Planned Unit Development), Highland 55 at Mission Hills, 19.62 acres, PUD-189/RM to PUD-189C/RM, located north of Albany Street, one-third mile west of 9th Street**

Senior Planner Brent Murphy reported this property was part of PUD-189 and had an underlying zoning of RM (residential multifamily). He stated PUD-199, which contained 53.75 acres, was approved by City Council in 2008 subject to the property being platted. He stated the 53.75 acres associated with PUD-189 was divided up into three areas: A, B, and C; Development Area A (31.87 acres) was developed as Mission Hills Apartments and Development Area B (13.8 acres) plus 5.82 acres of Development Area C was combined for the project presently before Planning Commission. He stated the developer proposed to build duplexes on the 19.62 acres. He reported the number of dwelling units allowed by right on the total 19.62 acres was 388 units; the number of units allowed on the 13.8 acres was 266 units; however, PUD-189C proposed only 98 units on the 19.62 acres. He stated PUD-189 approved a height limit of 45 feet while PUD-189C indicated a height maximum of 35 feet with single story buildings. He indicated the exterior building material incorporated brick, stucco, stone or cement fiberboard material and 50% of the building would be either brick or stone. He stated there would be a single property owner responsible for the maintenance of the units, exterior, fencing, streets, etc. He stated the cul-de-sac units would have fire suppression systems installed. He stated the substreet to the north would be emergency access only; primary access would be from the south, connected to Albany. He reported the property was not within a 100 year flood plain. He stated there were high pressure pipelines along the north with 125 feet of easement; the units would sit back at least 50 feet from the pipelines. He stated the property was identified as Level 3 in the Comprehensive Plan and PUD-189C was in accordance with the Comprehensive Plan in Level 3. He reported this would be a private gated community and the privately owned streets would be 26 feet in width, built to Broken Arrow standards. He stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended PUD-189C be approved as presented subject to the property being platted.

Mr. David Forrest, the developer, stated his address was 1213 Hampton Court, Edmond, OK. He stated he agreed with Staff recommendations. He explained this would be an age restricted luxury senior living community with a central clubhouse, fitness facility, and a mile of walking trail.

Chairperson Jones opened up the Public Hearing for Item 6B. He asked if any present wanted to speak regarding Item 6B.

Mr. John Butler stated his address was 135 East Elmira Place, Broken Arrow. He asked about the north end emergency access road. Chairperson Jones explained there would be a crash gate with a Knox Box for Police and Fire access only. Mr. Butler expressed concern about the high pressure pipelines. Chairperson Jones explained the developer would work with the pipeline company to ensure all pipeline safety requirements were met. Mr. Butler asked about water drainage and sewer locations. Chairperson Jones explained this was not yet known; the developer would submit engineering plans to the City for approval. Mr. Butler asked if this would be discussed at a future Planning Commission Meeting. Chairperson Jones recommended Mr. Butler contact Mr. John McElhenney regarding the engineering plans.

Ms. Lucinda Morte stated her address was 110 East Granger Street, Broken Arrow. She stated she lived in Lynn Lane Village and was concerned about rising crime rates. She explained there were ongoing problems emanating from the apartment complex; she worried a senior living complex would be targeted. She asked if construction access would be via the north entrance, south entrance or both. Chairperson Jones recommended Ms. Morte contact Mr. McElhenney or the developer regarding construction access. Ms. Morte asked when construction would begin. Chairperson Jones responded he would ask the developer during rebuttals.

Mr. Joel Thompson stated his address was 111 East Elmira Place, Broken Arrow, north of the

development. He asked if there would be a remaining greenbelt between the existing homes and new development. Chairperson Jones responded in the affirmative; the pipeline prohibited construction over the greenbelt. Mr. Thompson asked about the number of units. Chairperson Jones reviewed the number of units allowed (266 units) versus the number intended units (98 units). Mr. Thompson asked what the estimated square footage and home value range would be. Chairperson Jones responded there would be a minimum of 1600 square feet per unit, but he did not know the estimated value.

Mr. Paul Welch stated his address was 2204 North 7th Street, Broken Arrow. He stated he was concerned the owner would sell the property immediately upon development. Chairperson Jones indicated the owner had the right to sell the property. He explained the Planning Commission did not regulate land sales; however, the PUD would lock the land into this specific development regardless of who owned the property. Mr. Welch asked if this development would be a retirement village. Chairperson Jones responded in the affirmative; this was what the applicant proposed; however, there was nothing in the PUD which specified an age limit. Mr. Welch stated he was concerned the development would quickly degrade and become an unregulated eye sore. He stated the concept of a retirement village was solid, but was not guaranteed, and he worried his property value would drop if the development was not properly maintained. Commissioner Dorrell asked if Mr. Welch would rather this be an apartment complex. Mr. Welch responded in the negative. He stated, with the Bass Pro Shop and Convention Center nearby, this was a destination location and he did not feel a duplex development was a good fit for the area. Discussion ensued regarding property sale regulations.

Mr. Ray Wilson stated his address was 113 East Helena Street, Broken Arrow, to the north of the development. He stated he was worried about the green space which would be lost with this development. He explained there were deer, bobcat and coyotes in the area and it would be a shame to destroy the wildlife environment. Chairperson Jones stated this was private property; the owner had the right to develop it. Mr. Wilson recommended the City of Broken Arrow consider purchase the property for wildlife preservation.

Mr. Paul Welch asked the name of the property owner. Ms. Yamaguchi responded the owner was Mr. Ed Schermerhorn.

Chairperson Jones asked if any others present wished to speak regarding Item 6B. Seeing none, he closed the Public Hearing for Item 6B.

Mr. David Forrest indicated the north entrance would not be used as a construction entrance. He stated construction was estimated to begin the first quarter of 2019. He stated this development would be a luxury resort type community, rental rates would be fairly high, and the business model depended upon the residents being 55 years and older.

Vice Chairperson Whelpley asked if this PUD had previously been approved. Mr. Murphy responded in the affirmative; PUD-189 was an existing PUD. Discussion ensued regarding PUD-189C increasing the development acreage and reducing the unit density of what was permitted.

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

Move to approve Item 6B as per Staff recommendation

The motion carried by the following vote:

Aye: 3 - Fred Dorrell, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 6B would go before City Council on November 6, 2018 at 6:30 p.m. He explained if any citizen desired to speak regarding Item 6B, said citizen was required to fill out a Request to Appear before City Council form in advance.

C. 18-1153 Public hearing, consideration, and possible action regarding SP-291, Waters Edge Winery, 0.08 acres, request for a Specific Use Permit for micro food and beverage production in Area 6 of the Downtown Residential Overlay District, one-half mile north of Houston Street, west of Main Street at 116 S. Main Street

Mr. Brent Murphy reported SP-291 was a micro food and beverage production request. He explained the applicant wished to remodel the existing building for use as a winery and restaurant. He stated the property was located in Area 6 of the Downtown Residential Overlay District and had been platted as part of the original town of Broken Arrow. He stated the applicant had provided the required information in conjunction with the Specific Use Permit and the building would contain 2,750 square feet. He reported the winery would be open from 11 a.m. until 9 p.m. on Sunday, Tuesday and Wednesday, would be closed Monday, and open from 11 a.m. until 10 p.m. Thursday, Friday and Saturday. He stated odor expectations included regular food smells, and a mild fermentation smell limited to the production room which would be properly ventilated. He reported truck deliveries included three times a week for food, one time a month for wine juice, and one time every three months for wine bottles. He reported there would be no wine sold retail from the store; the applicant expected to produce approximately 1,620 cases of wine (19,000 bottles) per year, to be distributed to local retailers,

wine clubs, and restaurants. He stated the winery expected to hire 16 to 20 employees. He stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended SP-291 be approved as requested, and as the property was platted, Staff recommended the platting process be waived.

Vice Chairperson Whelpley asked if the Specific Use Permit had an expiration date. Mr. Murphy responded in the negative.

Ms. Michelle Dean, the applicant, stated her address was 4320 South Dogwood Avenue, Broken Arrow. She stated she was in agreement with Staff recommendations.

Chairperson Jones opened up the Public Hearing for Item 6C. He asked if any present wished to speak regarding Item 6C. Seeing none, he closed the Public Hearing for Item 6C.

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

Move to approve Item 6C as per Staff recommendation

The motion carried by the following vote:

Aye: 3 - Fred Dorrell, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 6C would go before City Council on November 6, 2018 at 6:30 p.m. He explained if any citizen desired to speak regarding Item 6C, said citizen was required to fill out a Request to Appear before City Council form in advance.

D. 18-1165 Public hearing, consideration, and possible action regarding BAZ-2013, EuroTexan, 1.05 acres, 1 lot, A-1 to CG, west of the southwest corner of Kenosha Street and Evans Road

Ms. Amanda Yamaguchi reported BAZ-2013 was a request to change the zoning designation from A-1 to CG (commercial general). She stated the property was currently used for commercial purposes and on February 4, 1980 was platted as Possum Run in Wagoner County. She reported there were two buildings on the property, one a retail center (most recently a roofing company), and one a storage building. She explained the new property owners intended to remove the storage building and construct a new commercial building in the future. She stated the property was annexed into the City of Broken Arrow in February 1980 by Ordinance No. 819. She stated the property had been platted in Wagoner County prior to annexation. She stated the property was designated as Level 4 in the Comprehensive Plan, and CG zoning was in conformance with the Comprehensive Plan in Level 4. She stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended BAZ-2013 be approved subject to the property being replatted.

Mr. Steve Marx, the applicant, stated this was the old John Deere property, the barn on which was an old shop which needed to be taken down. He stated he was in agreement with Staff recommendations. Chairperson Jones asked if Mr. Marks understood the approval was subject to the property being platted. Mr. Marks responded in the affirmative.

Chairperson Jones opened up the Public Hearing for Item 6D. He asked if any present wanted to speak regarding Item 6D. Seeing none, he closed the Public Hearing for Item 6D.

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

Move to approve Item 6D as per Staff recommendation

The motion carried by the following vote:

Aye: 3 - Fred Dorrell, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 6D would go before City Council on November 6, 2018 at 6:30 p.m.

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)

There were no Remarks, Inquiries and Comments by Planning Commission and Staff.

10. Adjournment

The meeting adjourned at approximately 5:38 p.m.

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

Move to adjourn

The motion carried by the following vote:

Aye: 3 - Fred Dorrell, Lee Whelpley, Ricky Jones

Mayor

City Clerk