



City of Broken Arrow

Minutes Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

*Chairperson Jaylee Klempa
Vice Chairperson Robert Goranson
Commission Member Lee Whelpley
Commission Member Jonathan Townsend
Commission Member Heather Canard*

Thursday, May 26, 2022

Time 5:30 p.m.

Council Chambers

1. Call to Order

Chairperson Jaylee Klempa called the meeting to order at approximately 5:30 p.m.

2. Roll Call

Present: 4 - Heather Canard, Jonathan Townsend, Jaylee Klempa, Robert Goranson
Absent: 1 - Lee Whelpley

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

- A. 22-654** Approval of Planning Commission meeting minutes of May 12, 2022
- B. 22-622** Approval of PT19-109, Revised Preliminary Plat, Highland 55 at Mission Hills, 19.63 acres, 1 Lot, PUD-189C (Planned Unit Development)/RM (Residential Multifamily) to PUD-189C/RM, north of Albany Street (61st Street), one-third mile west of 9th Street (Lynn Lane)
- C. 22-623** Approval of PT22-106, Preliminary Plat, 51 West, approximately 7.07 acres, A-1 to PUD-336/ON/CG/IL, generally located one-half mile south of Houston Street (81st Street), three-quarters of a mile east of 23rd Street (193rd E. Avenue/County Line Road), on the southwest corner of State Highway 51 and Nashville Street
- D. 22-677** Approval of PT22-107, Preliminary Plat, Washington Lane IX, 20 lots, 3.04 acres, R-5/PUD-135 C, one-quarter mile south of Washington Street (91st Street), east of 9th Street (Lynn Lane/177th East Avenue) E. 22-676 Approval of PT22-108, Preliminary Plat, Furniture Row, 19.7 acres, 2 lots, CH (Commercial Heavy), RM (Residential Multi-Family), RD (Residential Duplex), R-2 (Single-Family Residential)/PUD-339, located one-half mile north of Kenosha Street (71st Street), one-quarter mile east of Elm Place (161st E. Avenue) on the south side of the Broken Arrow Expressway/State Highway 51
- F. 22-655** Approval of PT20-107, Conditional Final Plat, The Cedars at The Preserve I, 22.15 acres, 96 Lots, A-1 to PUD-310/RS-4, south and east of the southeast corner of Omaha Street (51st Street) and 37th Street (209th E. Avenue)
- G. 22-664** Approval of BAL-2162CB (Lot Consolidation), AG Equipment, 1 Proposed Lot, 8.86 acres, IL (Industrial Light), located south of Albany Street (61st Street), one-quarter mile west of Aspen Avenue (145th East Avenue)
- H. 22-659** Approval of BAL-2166 (Lot Split), First National Bank-Aspen, 2.18 Acres, approximately one eighth mile south of Albany Street (61st Street), west of Aspen Avenue (145th East Avenue)
- I. 22-658** Approval of BAL-2168 (Lot Split), Gorrell Property, 2.56 acres, A-RE (Annexed Residential Estate) to RS-1 (Single-Family Residential) via BAZ-2108, one-half mile north of New Orleans Street (101st Street), one-eighth mile west of 23rd Street (193rd E. Avenue/County Line Road)
- J. 22-681** Approval of PT21-107, Conditional Final Plat, The Trails at Aspen Creek, 26.32 acres, 1 Lot, A-1 to PUD-307A/CH and RM, located one-quarter mile west of Aspen Avenue (145th E. Avenue), north of Tucson Street (121st Street)
- K. 22-682** Approval of PT21-121, Conditional Final Plat, The Learning Experience, 5.16 acres, 1 Lots, A-1 to ON (BAZ-1966), located one-quarter mile south of Omaha Street (51st Street), east of 9th Street (177th E. Avenue/Lynn Lane Road), north of Nienhuis Park Planning Section Manager Amanda Yamaguchi presented the Consent Agenda.

Chairperson Klempa 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. She noted Item 4H was to be pulled for discussion. She asked if there were any other items to be removed from the Consent Agenda for discussion; there were none.

MOTION: A motion was made by Robert Goranson, seconded by Heather Canard.

Move to approve the Consent Agenda absent Item 4H

The motion carried by the following vote:

Aye: 4 - Heather Canard, Jonathan Townsend, Jaylee Klempa, Robert Goranson

Chairperson Klempa indicated Items F, J and K would go before City Council on June 20, 2022 at 6:30 p.m. She noted if any wished to speak regarding these Items, submission of a Request to Speak form would be required prior to the Meeting's start.

5. Consideration of Items Removed from Consent Agenda

Staff Planner Micah Snyder reported Item 4H, BAL-2166, involved an approximately 2.18-acre parcel located approximately one eighth mile south of Albany Street (61st Street), west of Aspen Avenue (145th East Avenue). He stated language would be changed from "As indicated by the associated Planned Unit Development (PUD)-337, the applicant is to widen the access point off of Aspen Avenue to accommodate its future use by Tract A, which is currently vacant" to "As indicated by the associated Planned Unit Development (PUD)-337, the future developer is to widen the access point off of Aspen Avenue to accommodate its future use by Tract A, which is currently vacant." He explained even though the applicant did the PUD, the intent was for the future developer to widen the access point when tract A was developed.

Commissioner Robert Goranson recommended just using the word "developer" as opposed to "future developer."

Mr. Snyder agreed and indicated the word "future" would be removed.

MOTION: A motion was made by Robert Goranson, seconded by Jonathan Townsend.

Move to approve Consent Agenda Item 4H per Staff and Planning Commission recommendations

The motion carried by the following vote:

Aye: 4 - Heather Canard, Jonathan Townsend, Jaylee Klempa, Robert Goranson

6. Public Hearings

A. 22-638 Public hearing, consideration, and possible action regarding BAZ-2109 (Rezoning), Blue Bull Capital LLC Property, 1.05 acres, A-R-1 (Annexed Single-Family Residential) to R-2 (Single-Family Residential), north of Jasper Street (131st Street), one-half mile east of Aspen Avenue (145th E. Avenue) at 12952 South 152nd East Avenue

Mr. Snyder reported BAZ-2109 was a request to change the zoning designation on 1.05 acres from A-R-1 (Annexed Single-Family Residential) to R-2 (Single-Family Residential). He stated the property was located north of Jasper Street (131st Street), one-half mile east of Aspen Avenue (145th E. Avenue) at 12952 South 152nd East Avenue and was not platted. He noted this item was continued from the May 12, 2022 Planning Commission meeting. He explained as a result of being annexed into Broken Arrow City Limits in May of 2002, the property's current zoning designation was transitional Annexed Single-Family Residential; with BAL-2165, a companion item on this agenda, the applicant also applied to split the lot into two approximately one-half acre lots for the purpose of constructing a new single-family residence on the north lot. He stated the south lot currently had a single-family residence. He stated according to Chapter 1 Section 4.B.7 of The Broken Arrow Zoning Ordinance, no new use may be commenced on unplatting property with transitional zoning without obtaining appropriate conventional zoning. He noted splitting the lot represented the potential for a new use due to there being only one residential home on the lot as presently configured. He stated the request to rezone the property to a conventional zoning designation of R-2 for the purpose of splitting the lot and constructing a new single-family residence maintained compliance with the Zoning Ordinance. He reported in the Planning Commission meeting of May 12, 2022, two citizens spoke in opposition to this request as they were not in favor of the applicant splitting the lot to construct a new single-family home. He stated concerns cited included density, construction noise, traffic, and the potential removal of trees. He stated according to the legal descriptions and exhibit submitted by the applicant for the lot split requested in conjunction with this rezoning request, the north lot would have approximately 147 feet of frontage onto S 152nd E Ave, and the south lot would have approximately 132 feet of frontage onto S 152nd E Ave and 164 feet onto Jasper Street. He stated as the lot was requested to be split into two approximately one-half-acre lots, they would have around 22,000 square feet of area each. He stated the minimum frontage required by the Zoning Ordinance for a lot in the R-2 zoning district was 70 feet, and the minimum lot size required was 8,000 square feet. He indicated according to Tulsa County records, S 152nd E Ave was owned by Tulsa County and measured approximately 20-feet wide. He stated according to FEMA's National Flood Hazard Layer, none of the property was located in the 100-year floodplain. He reported the property was designated as Level 2 in the Comprehensive Plan; the R-2 zoning being requested was in accordance with the Comprehensive Plan in Level 2. He stated based upon the Comprehensive Plan, the location of the property, unique conditions associated with the property, and the surrounding land uses, Staff recommended BAZ-2109 be approved subject to the following: Waiver of platting and a 17.5-foot utility easement be provided along Jasper Street (131st Street) and South 152nd East Avenue for the whole

frontage of the property.

Commissioner Goranson asked if, with the existing structure, there would be enough space for the side yards, if the lot split were approved and a second home was constructed.

Mr. Snyder responded in the affirmative; there was plenty of space.

Commissioner Goranson indicated he wanted to be sure a nonconforming lot would not be created with the lot split.

Vice Chair Klempa stated the citizens who spoke during the last meeting regarding this Item were concerned about the lot being split again in the future into even smaller lots. She stated it looked as if the newly split lot could technically be split again.

Mr. Snyder agreed; the lot could technically be split again.

The applicant, Gabe Walker, indicated he did not think the lot would be split again. He stated the plan was to build a single family home on the property at this time. He stated in regard to tree removal, all of the tree removal and property cleanup was completed, and no additional trees should be removed.

Vice Chair Klempa commented trees might be removed for house construction.

Mr. Walker agreed but indicated no trees would be removed from along the fence line, however, which he believed was the area of concern.

Commissioner Goranson asked if the existing structures on the north lot, the shed, etc., would be removed.

Mr. Walker responded in the affirmative.

Commissioner Goranson asked if the powerlines along 152nd would be a problem.

Mr. Walker responded in the negative.

Commissioner Goranson noted an easement was being required by the City. He stated if another lot split were requested for this property, it would most likely be denied.

Mr. Walker indicated he understood; the easement would be provided, and there was no intention to split the lot again.

Commissioner Goranson asked if Mr. Walker intended to build around the large existing tree on the property.

Mr. Walker explained he would love to keep the tree, but until plans were drawn, he was unsure.

Commissioner Townsend asked about the traffic and noise concerns from the citizens last meeting.

Mr. Walker stated regarding construction noise he would ensure the construction only went on during the timeframe allowed by the City. He stated the home being considered for construction would fit the area and be of similar size to the existing home. He noted there would be plenty of parking for construction workers off the street which should help with traffic concerns on the road itself.

Discussion ensued regarding construction traffic in the area.

Commissioner Goranson stated he did not believe construction of a single home would cause significant construction traffic delays, and he did not feel the addition of another home to the area would cause increased traffic problems.

Discussion continued regarding construction traffic.

Chairperson Klempa stated no citizens signed up to speak regarding this Item; the public hearing was closed.

MOTION: A motion was made by Robert Goranson, seconded by Heather Canard.

Move to approve Item 6A per Staff recommendations

The motion carried by the following vote:

Aye: 4 - Heather Canard, Jonathan Townsend, Jaylee Klempa, Robert Goranson

Chairperson Klempa indicated this Item would go before City Council on June 20, 2022 at 6:30 p.m. She noted if any wished to speak regarding these Items, submission of a Request to Speak form would be required prior to the Meeting's start.

7. Appeals

There were no Appeals.

8. General Commission Business

A. 22-639 Consideration, discussion, and possible approval of BAL-2165 (Lot Split), Blue Bull Capital LLC Property, 1.05 Acres, north of Jasper Street (131st Street), one-half mile east of Aspen Avenue (145th E. Avenue)

Mr. Snyder reported BAL-2165 involved a 1.05-acre lot located north of Jasper Street (131st Street), one-half mile east of Aspen Avenue (145th E. Avenue). He stated the property was not platted and was continued from the May 12, 2022 Planning Commission meeting. He stated the request to split the lot into two approximately one-half-acre lots was a companion item to BAZ-2109, a request to rezone the property from A-R-1 (Annexed Single Family Residential) to R-2 (Single Family Residential) to facilitate the lot split and the construction of a new single-family residence on the new north lot. He stated there was an existing single-family residence on the south part of the lot currently. He explained approval of this request would be contingent upon City Council approval of the rezoning request BAZ-2109, as the current A-R-1 zoning designation was transitional and requires rezoning to a conventional zoning designation according to the Zoning Ordinance. He reported Oklahoma Natural Gas (ONG), Public Service Company of Oklahoma (PSO), Cox Communications, and Windstream indicated there were no problems with the proposed lot split. He stated Staff recommended BAL-2165 be approved subject to the following: 1) City Council Approval of BAZ-2109; 2) A 17.5-foot utility easement be provided along Jasper Street (131st Street) and South 152nd East Avenue for the whole frontage of the parent lot; and 3) Warranty deeds shall be brought to the Plan Development Division to be stamped prior to being recorded with Tulsa County.

MOTION: A motion was made by Robert Goranson, seconded by Heather Canard.

Move to approve Item 8A per Staff recommendations

The motion carried by the following vote:

Aye: 4 - Heather Canard, Jonathan Townsend, Jaylee Klempa, Robert Goranson

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

Ms. Jill Ferenc indicated Planning Commission was invited to attend Brent Murphy's retirement party on Tuesday, from 12:00 p.m. to 2:00 p.m. She noted Mr. Murphy's retirement party was delayed due to COVID and snowstorms, but she was excited to see Mr. Murphy again and celebrate his 25 years with Broken Arrow.

10. Adjournment

The meeting adjourned at approximately 5:55 p.m.

MOTION: A motion was made by Heather Canard, seconded by Jonathan Townsend.

Move to adjourn

The motion carried by the following vote:

Aye: 4 - Heather Canard, Jonathan Townsend, Jaylee Klempa, Robert Goransson