



City of Broken Arrow

Minutes Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

Chairperson Jaylee Klempa
Vice Chair Robert Goranson
Member Jonathan Townsend
Member Jason Coan
Member Mindy Payne

Thursday, August 24, 2023

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: 3 - Mindy Payne, Robert Goranson, Jaylee Klempa
Absent: 2 - Jason Coan, Jonathan Townsend

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

- A. 23-1103** Approval of Planning Commission meeting minutes of August 10, 2023
- B. 23-1109** Approval of LOT-000980-2023, Nelson Nissan Lot Line Adjustment, 2 lots, 9.91 acres, CH (Commercial Heavy), located one-half mile north of West Kenosha Street (71st Street), one quarter mile west of Elm Place (161st East Avenue)
- C. 23-1116** Approval of Amended LOT-000194-2022 (Lot Split), New Orleans Retail Center Lot Split, 5 Acres, north and west of the northwest corner of New Orleans Street (101st Street) and Elm Place (161st East Avenue)
- D. 23-1118** Public hearing, consideration, and possible action regarding PUD-000565-2023 (Planned Unit Development), The Quarter at Cypress, 0.76 acres, SH3+ (Shopfront) and UG3+ (Urban General) to SH3+ and UG3+/PUD-000565-2022, located west of the northwest corner of Elm Place (161st East Avenue) and New Orleans Street (101st Street)
- E. 23-1119** Approval of LOT-000952-2023, CREOKS Lot Line Adjustment, 2 lots, 2.51 acres, CH (Commercial Heavy)/PUD-287, located one-half mile north of West Kenosha Street (71st Street), one quarter mile west of County Line Road (193rd East Avenue)
Staff Planner Henry Bibelheimer 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 asked if there were any Items to be pulled from the Agenda; there were none.

MOTION: A motion was made by Mindy Payne, seconded by Robert Goranson.

Move to approve the Consent Agenda

The motion carried by the following vote:

Aye: 3 - Mindy Payne, Robert Goranson, Jaylee Klempa

5. Consideration of Items Removed from Consent Agenda

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

Community Development Director Kevin Maevers introduced Chris Cieslak, a new Senior Planner for Broken Arrow.

6. Public Hearings

- A. 23-1104** Public hearing, consideration, and possible action regarding PUD-000956-2023 (Planned Unit Development), Cypress Business Park, approximately 0.28 acres, CG (Commercial General)/PUD-3 to CG (Commercial General)/PUD-000956-2023, one-eighth mile northwest of the northwest corner of New Orleans Street (101st Street) and Elm Place (161st E. Avenue)
Mr. Bibelheimer read Item 6A.

Chairperson Klempa noted Item 6A would be postponed until the next Planning Commission Meeting on September 14, 2023 as there was a lack of a quorum due to a potential conflict of interest with one of the Planning Commission Members present this evening. She stated Mr. Robert Zilm signed up to speak about this Item and was aware this Item was postponed.

B. 23-1105

Public hearing, consideration, and possible action regarding BAZ-000945-2023 (Rezoning), Enclave at YOly 18.17 acres, A-1 (Agricultural) to RS-3 (Single-Family Residential), located east of South Olive Avenue (129th East Ave), and one quarter mile south of West Jasper Street (East 131st Street South)

Chris Cieslak, Senior Planner, reported BAZ-000945-2023 was a request to rezone 18.17 acres from A-1 (Agricultural) to RS-3 (Single-Family Residential) for The Enclave at YOly, a proposed single-family detached development. He reported the property was generally located East of S Olive Ave West of 131st Street. He stated the property was presently undeveloped and unplatted. He indicated the Enclave at YOly development proposed to include single-family detached homes on individual lots. He explained the zoning ordinance had a minimum lot frontage width of 60-feet and a minimum lot area of 7,000 sq ft; the proposed development would meet all requirements of the Zoning Ordinance and was not being developed as a PUD (Planned Unit Development). He stated the development would be served by private streets constructed to City of Broken Arrow standards. He indicated the primary access point would be from South Olive Avenue and the secondary access for Fire Department access would be the stub street S. Indianwood Avenue to the north with a gate to prevent through traffic. He stated an Application for PUD would be submitted to meet the terms of the Zoning Ordinance. He stated no principal building or residence would be constructed on a lot which did not abut a public street, except in a PUD or other development in which a property owner's or homeowner's corporation was chartered with responsibility for maintenance and other concerns related to private access ways. He indicated the frontage of such a lot in which the principal building or residence was constructed would not be less than that required for the district. He stated according to FEMA maps, none of the property was located in the 100-year floodplain. He stated water and sanitary sewer were available from the City of Broken Arrow. He noted per Table 4-1 of the Comprehensive Plan, RS-3 zoning was considered to be in accordance with the Comprehensive Plan in Level 2. He stated based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended BAZ-000945-2023 be approved subject to the property being platted.

Commissioner Goranson noted this was a rezoning request and if approved, it did not mean a security gate was guaranteed on S. Indianwood Avenue.

Mr. Cieslak concurred.

Chairperson Klempa opened the public hearing.

The applicant, JR Donelson, stated he represented the owner of the property who currently lives on the property. He noted the rezoning to RS-3 was being requested due to the neighboring properties being zoned RS-3. He stated the security gate would definitely be installed at the stub street, S. Indianwood Avenue. He noted a PUD application was submitted today. He requested approval.

He asked why the applicant was requesting private streets.

Mr. Donelson responded private streets allowed the possibility of the development being a gated community.

Jason Dickeson read comments submitted by mail and email from Teresa Klein, Darrell Hicks, and Sue Hicks: Would the existing metal 8 foot fence be removed, and if so, would the fence be replaced with a privacy fence; would there be a construction entrance off Olive Avenue; would the turnaround area be reopened; could the turnaround remain closed during construction to avoid construction traffic; what were the projected lot sizes, and projected number of lots; and would the lots be single family or multifamily.

Citizen Amanda Coyle indicated she had the same questions.

Citizen Jimmy Wood asked if the development would tie into city utilities. He asked if the City would be able to remove the security gate on Indianwood.

Mr. _____ 16:25 indicated if the subdivision was able to tie into existing utilities, this would be done. He stated the engineer would provide a layout for any extension of water or sanitary sewer lines; this would be reviewed by the City to ensure the extensions were in compliance with City Codes and Ordinances.

Mr. Donelson stated the waterline would come from 129th E. Avenue and existing sanitary sewer would be utilized. He stated with regard to the existing metal fence, he did not believe the property owner would take the metal fence down. He indicated the construction entrance would be from 129th E. Avenue and there would be a security gate at Indianwood; the turnaround would go away once the street was connected. He stated no construction traffic would go through Bentley Village.

Commissioner Goranson noted the existing metal fence was on the applicant’s property; therefore, the applicant could leave it up or take it down as he wished at this point, but the fencing would be further clarified later in the development process.

Chairperson Klempa closed the public hearing.

MOTION: A motion was made by Robert Goranson, seconded by Mindy Payne.

Move to approve Item 6B per Staff recommendations

The motion carried by the following vote:

Aye: **3 -** Mindy Payne, Robert Goranson, Jaylee Klempa

Chairperson Klempa indicated this Item would go before City Council on September 19, 2023 at 6:30 p.m. A Request to Speak form would need to be submitted prior to the meeting start for any citizen who wished to speak before City Council.

C. 23-1108 Public hearing, consideration, and possible action regarding PUD-000951-2023 (Planned Unit Development Minor Amendment), CREOKS, approximately 1.064 acres, 1 proposed lot, CN/PUD-287 located approximately one-quarter mile north of East Kenosha Street (East 71st Street South), East of 193rd E. Ave/County Line Rd (North 23rd Street)

Mr. Cieslak reported Planned Unit Development (PUD)-000951-2023, was a minor amendment to PUD-287, a 1.064-acre undeveloped tract located Approximately one-quarter mile north of East Kenosha Street (East 71st Street South), East of 193rd E. Ave/County Line Rd (North 23rd Street). He stated PUD-287 was approved by City Council on April 2, 2019, subject to platting; the final plat was filed on August 4th, 2020. He reported Creoks was a medical clinic proposing to be built within the regulations of PUD-287 and the Broken Arrow Zoning Ordinance except where modified as outlined. He explained PUD-000951-2023 proposed changes to the landscape requirements/building setbacks for Lot 2 Block 1 of PUD-287. He stated this section currently read: Minimum front building setbacks from Hillside Drive shall be either: 1) 50 feet with parking in front of building; or 2) 25 feet, with 25 feet of landscaped area adjacent to the right-of-way and no parking or paving in front of the building along the entire street frontage. He indicated the proposed front setback was 25 feet, and the proposed landscape section was: “The landscaped edge requirement has been modified from the original PUD. Instead of a 25 foot landscaped edge, we are requesting a 10 foot, which is the required amount for this this use per Section 5.2.B.a.i of the City of Broken Arrow Zoning Code.” He stated according to the FEMA Maps, none of this property was located in the 100-year floodplain. He noted water and sanitary sewer service was available from the City of Broken Arrow. He stated Staff recommended approval of PUD-000951-2023, a minor amendment to PUD-287.

Chairperson Klempa asked why the reduction in landscaping was being requested.

Mr. Bibelheimer responded the PUD was set up for the applicant to have either a 50 foot setback or a 25 foot landscaping easement. He indicated in one of the conceptual drawings there was a drive in front of the building located within the 25 foot front setback but would not be allowed if the 25 feet was required to be fully landscaped. He explained the applicant was looking to have the option of having the drive go in front of the building.

Commissioner Payne asked if there was a road back where the houses were located.

Mr. Bibelheimer responded there was a reserve area to the north of this lot, between this lot and the residential neighborhood.

Engineering Section Manager Jason Dickeson indicated there was a creek which separated these three lots from the subdivision.

The applicant Justin DeBruin with Wallace Design Collective noted most of the PUD aligned with CN zoning. He noted the lot was skinny and long which preempted front parking options. He stated parking was shifted to the east on the site. He indicated the structure was 1,400 square feet. He noted zoning code only called for 10 feet of landscaping. He displayed and discussed an illustration of the proposed layout of the building, road, and landscaping on the lot. He stated the reserve area on the rear (north) portion of the lot put constraints on the lot. He indicated a mutual access agreement was required to the west. He explained if a full 25 feet of landscaping was required the lot would not be feasible. He requested approval.

Chairperson Klempa thanked Mr. DeBruin for his explanation and illustration.

Commissioner Goranson asked why the exhibits for the RDS business park were included in the PUD.

Mr. _____ stated this was a Staff mistake; the wrong exhibits were included. He stated the correct exhibit was added last minute but was not included in the Planning Commission’s

Agenda packet. He explained the file itself was correct, the exhibits were from an old PUD. He displayed and discussed the correct exhibits which would be added to the development plan for City Council.

Discussion ensued regarding whether this Item should be approved or continued until the correct exhibits were in the Agenda Packet; it was determined this Item should be continued until the property exhibits were included; and it was noted this was a minor amendment which would not go before City Council for consideration.

MOTION: A motion was made by Mindy Payne, seconded by Robert Goranson.

Move to continue the item to September 14, 2023

The motion carried by the following vote:

Aye: 3 - Mindy Payne, Robert Goranson, Jaylee Klempa

D. 23-1113 Public hearing, consideration, and possible action regarding PUD-000934-2023 (Planned Unit Development Minor Amendment), Regent Corner, approximately 5 acres, 1 proposed lot, CH/PUD-156 located approximately one-quarter mile south of Albany Street (East 61st Street South), West of Elm Place (North 161st East Avenue)

Mr. Bibelheimer reported Planned Unit Development (PUD)-000934-2023, was a minor amendment to PUD-156, a 1.37-acre undeveloped tract located approximately one-quarter mile north of Tucson Street and one quarter mile east of Aspen Avenue. He stated PUD-156 and BAZ 2666 were approved by City Council on March 21, 2005 subject to platting; the Conditional Final Plat was approved by City Council on July 31st 2023. He stated PUD-000934-2023 proposed changes to the exterior material and signage requirements for only the legal description of this one lot. He indicated this section read: "Masonry exteriors shall be required as set forth within the Broken Arrow Zoning ordinance." He explained since PUD-156 was passed in 2005, the 2001 zoning ordinance applied to the site; this meant the requirement for exteriors on this site was as follows: "Masonry concrete panels, glass block, glass curtain walls, Exterior Insulated Finished Systems, and stucco. Metal finishes, wood, plastic, and other masonry material may be considered and approved by the Planning Commission through the site plan review process. Masonry exteriors shall be required as set forth within the Broken Arrow Zoning Ordinance, except for Lot 1 Block 1 of Regent Corner PUD 156, which allows additional materials as follows, subject to developer approval." He stated the specific percentages were laid out in the design statement for the following materials: brick veneer, glass storefront, formed panel, composite panel, ribbed panel, composite panel, and formed panel. He explained, in the PUD minor amendment there were specific percentages of each of those building materials which would be allowed on each side of the building. He displayed and discussed the project rendering. He stated Staff recommended approval of PUD-000934-2023, a minor amendment to PUD-156. He noted this was approved by Kevin Maevers, not Jill Ferenc, and a correction to the document would be made.

Commissioner Goranson stated the renderings showed a good looking building.

Commissioner Payne asked if this building was a single business.

Mr. Bibelheimer responded in the negative; the building would house multiple businesses. He noted the signage requirements were also recently updated to the 2008 signage requirements which allowed multiple different wall signs for the different businesses within the building.

Commissioner Payne indicated she liked the design.

The applicant, Scott Parker with Miller Architects, stated this was a mixed use building and ultimately Regent Bank would take up half the building, and there would be assembly/restaurant/bar type spaces. He asked for approval.

Commissioner Goranson explained why the Planning Commission was very picky about metal siding materials and required approval for their use.

Mr. Parker stated the metal panels would all be architectural metal panels with concealed fasteners.

Commissioner Goranson stated he liked the look.

Discussion continued regarding the metal paneling proposed to be utilized.

MOTION: A motion was made by Robert Goranson, seconded by Mindy Payne.

Move to approve Item 6D per Staff recommendation

The motion carried by the following vote:

Aye: 3 - Mindy Payne, Robert Goranson, Jaylee Klempa

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)

Chairperson Klempa welcomed Chris Cieslak.

Commissioner Payne stated she was excited to see New Orleans Square coming to life.

Community Development Director Kevin Maevers stated New Orleans Square had some amazing events coming up. He indicated the recent New Orleans Square Block Party was a huge success. He stated Hops, Bops and Bites was coming up in October, the Christmas Market in December, and a possible spring event was being workshopped. He stated the goal was to continue to drive foot traffic into New Orleans Square. He reported next week there were two meetings scheduled with the consultant to put the finishing touches on the new updated Zoning Ordinance which would be presented to Planning Commission and City Council in October. He noted the Subdivision Committee would start meeting the last week in September to revisit and update subdivision zoning code.

Commissioner Goranson asked about the target date for approval of the new Zoning Ordinance.

Mr. Maevers responded the end of October was the goal for approval.

Discussion ensued regarding when Planning Commission and City Council would preview and consider the new Zoning Code for approval; some of the changes to the Zoning Ordinances; and the three new levels of development addressed in the updated Zoning Ordinance.

Commissioner Goranson stated it was important for Planning Commission to understand the new levels of development and the updated Zoning Ordinance and he would like time to review these before the presentation to Planning Commission.

10. Adjournment

The meeting adjourned at approximately 6:23 p.m.

MOTION: A motion was made by Mindy Payne, seconded by Robert Goranson.

Move to adjourn

The motion carried by the following vote:

Aye: 3 - Mindy Payne, Robert Goranson, Jaylee Klempa

Mayor

City Clerk