



City of Broken Arrow

Minutes Planning Commission

City of Broken Arrow
Council Chambers
220 S 1st Street
Broken Arrow OK
74012

Chairperson Lee Whelpley
Vice Chair Ricky Jones
Member Fred Dorrell
Member Carolyne Isbell-Carr
Member Mark Jones

Thursday, July 27, 2017

5:00 PM

Council Chambers

1. Call To Order

The meeting was called to order by Chairman, Lee Whelpley at 5:00 p.m.

2. Roll Call

Present 5 - Mark Jones, Carolyne Isbell-Carr, Fred Dorrell, Ricky Jones, and Lee Whelpley

3. Old Business

None

4. Consideration of Consent Agenda

Staff Planner, Amanda Yamaguchi presented the background for the Consent Agenda items. She explained that Staff would like to remove Item 4E. PT17-110, Preliminary Plat, Rose District Row Homes from Consent for discussion.

Lee Whelpley explained the Consent Agenda and asked if anyone wished to remove any items for discussion.

A. [17-2442](#) **Approval of Planning Commission meeting minutes of June 22, 2017**

MOTION by Fred Dorrell to approve Consent Agenda Items 4A., 4B., 4C., and 4D., per Staff recommendations. The motion was seconded by Carolyne Isbell-Carr. The motion carried by the following vote:

Aye: 5 - **Mark Jones, Carolyne Isbell-Carr, Fred Dorrell, Ricky Jones, and Lee Whelpley**

B. [17-2443](#) **Approval of Planning Commission meeting minutes of July 13, 2017**

MOTION by Fred Dorrell to approve Consent Agenda Items 4A., 4B., 4C., and 4D., per Staff recommendations. The motion was seconded by Carolyne Isbell-Carr. The motion carried by the following vote:

Aye: 5 - **Mark Jones, Carolyne Isbell-Carr, Fred Dorrell, Ricky Jones, and Lee Whelpley**

C. [17-2431](#) **Approval of BAL-2025, Stacy Lynn Fifth Reserve Lot Split, 1 Lot, 0.38 acres, north the northeast corner of Washington Street and Aspen Avenue**

MOTION by Fred Dorrell to approve Consent Agenda Items 4A., 4B., 4C., and 4D., per Staff recommendations. The motion was seconded by Carolyne Isbell-Carr. The motion carried by the following vote:

Aye: 5 - Mark Jones,Carolyn Isbell-Carr, Fred Dorrell, Ricky Jones, and Lee Whelpley

D. [17-2415](#) Approval of PT17-109, Preliminary Plat, Ronda Norton Center II, 1 lot, 4.55 acres, PUD 94/CG to PUD 94S-1/CH, one-half mile south of Omaha Street, one-quarter mile east of Aspen Avenue

MOTION by Fred Dorrell to approve Consent Agenda Items 4A., 4B., 4C., and 4D., per Staff recommendations. The motion was seconded by Carolyn Isbell-Carr. The motion carried by the following vote:

Aye: 5 - Mark Jones,Carolyn Isbell-Carr, Fred Dorrell, Ricky Jones, and Lee Whelpley

E. [17-2434](#) Approval of PT17-110, Preliminary Plat, Rose District Row Homes, 7 lots, 0.56 acres, PUD 241/R-3 to PUD 263/DF, northeast corner of N. Cedar Avenue and W. Elgin Street

MOTION by Ricky Jones to remove Item 4E. PT17-100, Preliminary Plat, Rose District Row Homes from the Consent Agenda. The motion was seconded by Mark Jones.

5. Consideration of Items Removed from Consent Agenda

E. [17-2434](#) Approval of PT17-110, Preliminary Plat, Rose District Row Homes, 7 lots, 0.56 acres, PUD 241/R-3 to PUD 263/DF, northeast corner of N. Cedar Avenue and W. Elgin Street

Michael Skates said he asked that Item 4E, be removed from Consent to bring awareness of item 10 from the checklist for this Preliminary Plat. He said this plat was discussed at TAC (Technical Advisory Committee) earlier in the week. He said Staff will be working on the appropriate language to handle the overland drainage/stormwater runoff from the channel in the floodplain overflow area. He said this is a unique property where a portion of the floodplain comes up into the property which will require a unique engineering design and hydraulic analysis to address areas underneath lots five, six and seven, where the houses will be built into the floodplain but will be elevated above the 100-year elevation so the houses will be on piers. Typically, the floodplain is put in an overland drainage easement of a reserve and there are no structures, fill or anything else allowed; however, in this unique situation Staff will need to work with the applicant to get appropriate language to share with the Planning Commission at the Conditional Final Plat stage. He said the applicant is present if the Commissioners have questions.

Ricky Jones asked if when the motion is made if this item needed tabled or approved subject to Staff working out the appropriate language to put in the plat.

Michael Skates said no. He said the information was stated to keep the Commission aware of the concerns with this plat.

Brent Murphy said Staff will add the item to the checklist to say, will work with applicant to develop appropriate language regarding the floodplain.

Ricky Jones asked if Dave Sanders, the applicant agreed to this. Dave Sanders, who was in the audience, indicated agreement from the back of the Council Chambers.

MOTION by Ricky Jones to approve the Preliminary Plat for Rose District Row Homes, subject to the applicant and Staff working together to determine the appropriate language regarding the floodplain and the structures in the floodplain and all other checklist items that have been presented on the checklist. The motion was seconded by Fred Dorrell. The motion carried by the following vote:

Aye: 5 - Mark Jones, Carolyne Isbell-Carr, Fred Dorrell, Ricky Jones, and Lee Whelpley

6. Public Hearings

A. [17-2408](#) Public hearing, consideration, and possible action regarding PUD 94S-1 (Planned Unit Development) and BAZ 1983 (rezoning), expansion of Jim Norton Chevrolet, 4.55 acres, CG/PUD 94 to CH/PUD 94S-1 and abrogation of PUD 94-O, one-half mile south of Omaha Street, one-quarter mile east of Aspen Avenue

Brent Murphy presented the background for Item 6A saying, Planned Unit Development (PUD) 94S-1 consists of 4.55 acres located one-half mile south of Omaha Street, one-quarter mile east of Aspen Avenue. In conjunction with PUD-94S-1, BAZ-1983 a request to rezone the same property from CG to CH, has also been submitted.

Mr. Murphy said this property abuts Jim Norton Chevrolet, which is immediately to the west of this property. Jim Norton Chevrolet wants to expand and as a result have submitted PUD 94S-1 and BAZ-1983. The PUD submitted is very similar to what was submitted and approved previously with PUD-94S.

As part of this PUD, there will not be any type of access onto Granger Street, to the north. Access to this property will occur off of Albany Place, as well as through the center part of the property. This property is designated as Level 6 in the Comprehensive Plan and CH zoning is considered to be in compliance with Comprehensive Plan in Level 6.

Brent Murphy said, based on the Comprehensive Plan, the existing zoning, the location of the property and surrounding land uses, Staff recommends that BAZ-1983 and PUD-94-S-1 be approved, subject to the property being platted. He the Preliminary Plat was on the Consent Agenda that was just approved. He said there was a previously approved PUD, PUD-94-O, and Staff recommends that this PUD be abrogated.

Lee Whelpley asked if the applicant was present and to step to the microphone and state his/her name and address for the record.

Ted Sack, Sack & Associates, Sack & Associates, 3150 E. 41st Street, Tulsa, said his application is for an extension of the dealership and is for parking, mainly for the maintenance building, and is in agreement with Staff recommendations.

Lee Whelpley opened the public hearing for Item 6A. and asked if anyone wished to speak on this item. No one responded. Lee Whelpley closed the public hearing.

After the vote, Lee Whelpley said this item will be heard by City Council on August 15, 2017, at 6:30 p.m.

MOTION by Fred Dorrell to approve Item 6A, PUD-94S-1 and BAZ-1983, per Staff recommendations. The motion was seconded by Mark Jones. The motion carried by the following vote:

Aye: 5 - Mark Jones, Carolyne Isbell-Carr, Fred Dorrell, Ricky Jones, and Lee Whelpley

B. [17-2433](#) Public hearing, consideration, and possible action regarding SP-282 (Specific Use Permit), Kirkland Activity Complex, 24.10 acres, R-3, west of 9th Street and one-half mile south of Kenosha Street.

Staff Planner, Amanda Yamaguchi presented the background for Item 6A, SP-282, Kirkland Activity Complex saying SP-282 is a request for a Specific Use Permit for a school sports complex for Broken Arrow Public Schools. The property is zoned R-3 and is located west of 9th Street and one-half mile south of Kenosha Street.

Ms. Yamaguchi said the property associated with this proposed sports complex was previously the site of North Intermediate High School, which was demolished in 2016. The gymnasium and auditorium will remain and will be used in conjunction with the sports complex. A site plan for Kirkland Activity Complex was approved for this property in May of 2017.

Amanda Yamaguchi said a total of 50-feet of right-of-way has been dedicated along the north 267-feet of frontage along 9th Street. The remaining 477.70-feet has a total of 38-feet of right-of-way dedicated. 9th Street is designated as a secondary arterial street in the Comprehensive Plan, which requires an ultimate right-of-way of 100-feet, or 50-feet on each side of the centerline of the street. No utility easement has been provided for the north 267-feet of frontage along 9th Street. A 12-foot utility easement has been dedicated along the south 477.71 feet of frontage along 9th Street. 17.5-foot utility easements are required along arterial streets per the Subdivision Regulations.

Ms. Yamaguchi said based on the Comprehensive Plan, the location of the property, past history of the property, and the surrounding land uses, Staff recommends that SP-282 be approved and platting be waived, subject to right-of-way and utility easements being dedicated along 9th Street in accordance with the Subdivision Regulations.

Lee Whelpley asked if the applicant is present and to step to the podium to state their name and address.

Bob Tolomeo, Director of Construction, Broken Arrow Public Schools, 201 N. Main, said they are in agreement with Staff recommendations. He said the site is the former North Intermediate High School site and will be used for two turf soccer fields and will have the auditorium and gymnasium re-opened.

Lee Whelpley opened the public hearing and asked if anyone wished to speak on Item 6B., SP-282.

Phil Arnold, 316 N. 6th Street said he lives near the proposed complex and is concerned about the streets and traffic. He asked if the road will be widened.

Larry Curtis, said some initial work along Lynn Lane is occurring and the road will be widened from Kenosha to Houston. He said this work is not just utility work occurring. He said the City is looking at doing some additional work on some of the secondary roads in the downtown area; however, there are no definitive plans to do so at this time.

Mr. Arnold asked Mr. Curtis if there is a time frame for when the secondary roads will be built.

Mr. Curtis said he did not know but told Phil Arnold to provide his information to him and or Staff and he would have engineering and construction contact him with more information.

Phil Arnold asked where parking will be for the complex.

Larry Curtis the original parking area, next to the auditorium, will remain and be repaved. Additional parking will be to the east side of the auditorium that they are adding onto (he referenced a site plan map).

Mr. Arnold asked if the parking will be adequate to handle the amount of traffic. Larry Curtis said the site plan has been reviewed and it meets the requirements.

Lee Whelpley asked if anyone else wished to speak on this item. No one responded.

After the vote, Lee Whelpley said this item will be heard by City Council on August 15, 2017 at 6:30 p.m.

MOTION by Ricky Jones to approve SP-282, per Staff recommendations. The motion was seconded by Fred Dorrell. The motion carried by the following vote

Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Fred Dorrell, Ricky Jones, and Lee Whelpley

Prior to hearing item 6C. Larry Curtis introduced Jane Wyrick, saying Jane joined the Plan Development Division as a Planner II. He said she just graduated from the University of Oklahoma with her Master's Degree in Urban City Planning. Prior to that, Jane worked for the City of Fulton, California, as a Planner for seven years and previously worked as a Planner in Rhode Island for one year and one-half. He said she has her AICP designation and Staff and the City are excited to have Jane join the team. He said she is an amazing and dynamic individual who will be adding a new flare to our Plan Development division and we are glad to have her.

All Planning Commission members welcomed Ms. Wyrick.

C. [17-2435](#) **Public hearing, consideration, and possible action regarding SP-283 (Specific Use Permit), Beehive Homes of Broken Arrow, 2.60 acres, R-2, north of West Washington Street, one-third mile east of South Olive Avenue**

Jane Wyrick, Planner II, provided the background for Item 6C. saying, SP-283 is a request by Beehive Homes of Oklahoma for a specific use permit for an assisted living facility to be located at 3200 West Washington Street; north side of Washington Street and one-third mile east of Olive Avenue. She said a Specific Use Permit is required for an assisted living facility in an R-2 zoning district, and this facility is required to abut an arterial street, which Washington Street is. There have been previous Specific Use Permits approved for this site for a church and school; however, those permits expired when conditions were not met within a year.

Ms. Wyrick said this site consists of two lots. Reserve 'A' is an open space and includes a utility easement that was platted as part of the Copper Creek Park plat that is north of the site. There are deed restrictions on this Reserve that precludes development there. Reserve 'A' was later deeded over to the owner of the project site where the assisted living facility is proposed. Also, in 1998 the City Council approved the Conditional Final Plat for the Gilgal Addition that established one lot - lot one, block one and is the site for the assisted living facility. Gilgal plat includes 40-foot utility and landscape easements along both, the east and west boundaries of the site and Reserve 'A' provides a buffer along the north boundary. Also included in the plat are limits of no access that were established along the Washington Street frontage and per the plat, those can be amended by the Planning Commission should the applicant apply for the through a separate process.

Ms. Wyrick said the preliminary site plan meet the front and side setbacks and these setbacks are also consistent with the easements that exist on the site. The survey for the plat does show the two separate lots, Reserve 'A' and Lot One; the two separate lots are not currently showing on the site plan and in discussing this with the applicant, he acknowledged the need to revise the site plan to reflect the two separate lots. The applicant will also be working with his designers to revise the plan accordingly and possibly using the rear 35-foot setback for utilities, a detention area and possibly parking, so we do expect some modification to the site plan.

Jane Wyrick said Lot One is designated as Urban Residential and Reserve 'A' is designated as Greenway in the Comprehensive Plan. The proposed building is primarily a one-story building with a small second story area building proposed for storage and a mechanical room and the building height will meet the building height of 35 feet, the maximum height allowed for this zoning district.

No signs are proposed at this time. Per the zoning code they are allowed 32 square feet in sign area and 8 feet in height. Should they decide to increase that, they would have to amend their specific use permit. Ms. Wyrick said parking and landscaping will meet the requirements for the zoning in this area and the landscaping will provide a buffer between this site and the adjacent residential planned uses.

Jane Wyrick said Staff received one telephone call from a neighbor, in response to the public notice, whose property abuts this property, to the east, who voiced concerns on whether there would be pilings and what impact that could have. The caller was out of state and could not

make the meeting, but after speaking with him about the details of the project he felt more comfortable about this application.

Ms. Wyrick said based on the Comprehensive Plan, the location of the property, the past history of the property and the surrounding land uses, Staff recommends that SP-282 be approved subject to two conditions. 1. The rear 25 feet remain as open space and 2. The landscaping include a vegetation buffer between the project site and the adjacent residential uses.

Ricky Jones said the site plan looks like it did a good job establishing a buffer or a landscaped area from the north and the east, even though there most likely won't be any issues from an assisted living area like this.

Lee Whelpley opened the public hearing for Item 6C and asked if anyone wished to speak to Item 6C.

Jane Wyrick said the applicant is present if there are questions, as well.

Jim and Robin Tillman, Broken Arrow asked if the property owner is to maintain the easement on the west side of the property. Jane Wyrick indicated, yes. They said there is a tree line there currently and they would like them to remain if possible. Robin Tillman asked if the 25 feet from fence line will be maintained as greenspace.

Jane Wyrick said from the north and 40 feet from the west. On the west shows as a utility easement. The east is shown as a landscape easement. She said they will not be building within the easement area either.

Robin Tillman asked if the utility and landscape easements will be maintained as well. Jane Wyrick said yes.

Robin Tillman said another concern is lighting. Larry Curtis said per the zoning ordinance, light cannot shine from a commercial use onto a residential area and area highly regulated. There is a lamination maximum that can only be allowed on their property that must dissipate from their property as it goes out. Lighting will be reviewed within the site plan review.

Robin Tillman asked if the trees, that are currently on the site, if they will be maintained. Larry Curtis said that is a question for the applicant.

Ricky Jones said he might advise the Tillman's that there is landscaping in a utility easement and an easement is property owned but a utility company has the right to go onto that property and the utility company can maintain their lines even if it means cutting down trees. It can happen.

Lee Whelpley said he missed asking the applicant to come forward. He then asked the applicant to step forward and state their name and address for the record.

Alex Whitt, 242 West Highland, Park City, Utah said he is happy to answer the questions that

were raised or answer them after all people have voiced their concerns. Lee Whelpley asked Mr. Whitt if they had an opportunity to meet with the surrounding neighbors. Mr. Whitt said they have not met with the neighbors; however, they plan to before the City Council meeting. Lee Whelpley asked Mr. Whitt if he had anything to add.

Alex Whitt said Beehive Homes is an Assisted Living Franchise and the homes are all relatively small- anywhere from 16 to 22 beds. The company has been around since around 1990 and there are about 200 facilities across the country. The Staff is very attentive. He said he is an RN and his wife is an LPN and they have been owning and operating these facilities for the last seven years and have Staff at each facility to care for the residents. Part of the concept is having less residents, which allows better care and the Staff to better know their residents, in addition to knowing the neighbors really well. Meals are served family style to get people socializing and out of their rooms.

Mr. Whitt said they chose this area to start with and are looking into developing in the area of Tulsa and Fayetteville. The demographics are good and they love the area. The existing house will be removed and plans are to develop in two phases. Phase I will be an Assisted Living and the Activity Center, parking, and infrastructure in preparation of Phase II. The Activity Center will be used for those with limited mobility for church, birthdays or various activities including a place for the residents to get their hair done. He said Phase II will consist of the second 20 bed facility.

Ricky Jones asked if they are proposing any fencing or screen wall on the back.

Alex Whitt said in the past they have taken input from the neighbors to build a tall fence with trees, as the topic is open for input and they will try to work out something that will work for everyone. He said regarding potential noise impact, the noise will be minimal. The residents average ages are mid 80's with a bedtime between 6:30 or 7:00 p.m. If they have a party, it will take place at 3:00 p.m. when everyone else is still at work and they are over by dinner time.

Mr. Whitt said lighting will be to code. He said lighting is required on the back side, for emergencies. He said the lights, in the back, will be addressed with the neighbors, in addition they will be on timers so they can go off at seven o'clock at night. The lights shine down on the sidewalk and areas in emergency areas. He said he does not foresee any lighting that will shine up. There will be some sconces around the door way areas and some ballads next to the parking areas with illumination of what code allows.

Alex Whitt said the tree line is on a utility easement and if the power company does not do a good job of maintaining it then they will maintain it. He said, in fact, that can be a condition as part of the permit. He said they will have a maintenance crew that will take care of the grounds and they can add that to what they will be doing. He asked if there were any questions.

Lee Whelpley opened the public hearing and asked if anyone wished to speak on this Specific Use permit, SP-283.

Paul Hovorka, 2813 West Richard St., asked if once the plans are approved what happens if

the plans get changed and asked if the public will get notified again.

Larry Curtis said the only hearing will be for this specific use permit, through public notice for use of the property. The next step is to submit their site plan and staff will review that. The building and engineering plans are also reviewed in house.

Ricky Jones said if the plans are a significant change then the plans must come back to the Planning Commission but they pretty much need to stick with the plans that are being presented at this meeting here.

Michael Skates, Director of Development Services said Staff's concern is the same as Alex's, the protection of the neighborhood. Staff thinks this is a great use for this location. Lighting and landscaping will be worked out. If they do wall packs, they will have shields on them. Today's lighting is less obstructive to neighbors and adjacent properties than in years past. He said he believes this project will improve property values, it will have a good aesthetic look from the street. As the Commissioner said, if something significant changes, it will definitely have to come back to the Planning Commission.

Mr. Hovorka said he likes the plan and said he appreciated the effort to maintain the buffer.

Lee Whelpley asked if anyone else wished to speak to Item C. No one responded. He asked Mr. Whitt if he would like to add any information or rebut any of the comments.

Alex Whitt said when they meet with the neighbors they will address the fencing and gather their input. He said the fence will match the development and make it look like a house, that is part of the concept. He said in regards to changes to the plans, they don't see any changes to the plans. Changes can get real expenses and they have done enough of these developments to know what we want already without needing to make changes.

Lee Whelpley told Mr. Whitt that if this application is approved, it will be heard by City Council on August 15th so there will be time to set up meetings (with the neighbors).

Fred Dorrell suggested, to Mr. Whitt, when they speak with the neighbors and HOA's about the fence, to consider installing the fence to where it abuts the neighboring fence to avoid a gap. Weeds grow in the gap and can cause discontent with neighbors, etc. He said this could possibly be a selling point.

Larry Curtis said as information, maximum fence height allowed in Broken Arrow is eight feet.

After the vote, Lee Whelpley said this item will be heard by the City Council on August 15, 2017 at 6:30 p.m.

MOTION by Fred Dorell to approve Item 6C, SP-283, per Staff recommendations. The motion was seconded by Mark Jones. The motion carried by the following vote:

Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Fred Dorrell, Ricky Jones, and Lee Whelpley

7. Appeals

None

8. General Commission Business

None

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

None

10. Adjournment

MOTION by Carlyne Isbell-Carr to adjourn, at 5:42 p.m. The motion was seconded by Ricky Jones. The motion carried by the following vote:

Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Fred Dorrell, Ricky Jones, and Lee Whelpley