



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 Carlyne Isbell-Carr
Member Mark Jones

Thursday, May 11, 2017

5:00 PM

Council Chambers

1. Call To Order

Meeting was called to order at 5:00 p.m. by Chairman, Fred Dorrell

2. Roll Call

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

3. Old Business

None

4. Consideration of Consent Agenda

Staff Planner, Amanda Yamaguchi presented the background for the Consent Agenda Items.

Fred Dorrell explained the Consent Agenda review process and asked if anyone wished to have any Consent items be removed for discussion, no one responded.

A. [17-2196](#) Approval of Planning Commission meeting minutes of April 27, 2017

MOTION: by Ricky Jones to approve Consent Agenda Items A, B and C, and D per Staff recommendations. The motion was seconded by Lee Whelpley.

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

B. [17-2140](#) Approval of BAL-2016, Oak Grove Road and 73rd Street (ZION USA Property), 1 Lot, 2.24 acres, A-1 to RE, one-quarter mile south of Kenosha Street, west of Oak Grove Road

MOTION: by Ricky Jones to approve Consent Agenda Items A, B and C, and D, per Staff recommendations. The motion was seconded by Lee Whelpley.

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

- C. [17-2146](#) Approval of BAL-2019, REIP Lot Split, 1 Lot, 13.34 acres, one-half mile south of Omaha Street, one-quarter mile east of Aspen Avenue, one-quarter mile north of the Broken Arrow Expressway**

MOTION: by Ricky Jones to approve Consent Agenda Items A, B and C, and D, per Staff recommendations. The motion was seconded by Lee Whelpley.

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

- D. [17-2176](#) Approval of BAL-2020, QuikTrip #33/Life Covenant Church Lot Split, 1 Lot, 5.80 acres, north and east of the northeast corner of Kenosha Street and 23rd Street**

MOTION: by Ricky Jones to approve Consent Agenda Items A, B and C, and D, per Staff recommendations. The motion was seconded by Lee Whelpley.

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

5. Consideration of Items Removed from Consent Agenda

None

6. Public Hearings

- A. [17-2120](#) Public hearing, consideration, and possible action regarding BAZ-1977, Oak Grove Road and 73rd Street (ZION USA Property), 2.24 acres, A-1 to RE, one-quarter mile south of Kenosha Street, west of Oak Grove Road**

Plan Development Manager, Larry Curtis presented the background for BAZ-1977 saying BAZ-1977 is a request to change the zoning designation on a 2.24-acre parcel from A-1 (Agricultural) to RE (Residential Estate). Applicant wants to split their property into two lots. The existing parcel does not meet the minimum lot size and frontage requirements of the A-1 district. As a result, applicant is requesting the zoning on their property be changed to RE. The proposed lot split will meet the minimum lot size and frontage requirements of the RE district. The property is designated as Level 1 in the Comprehensive Plan and RE zoning is identified as being in conformance with Level 1.

Mr. Curtis said, according to the survey information submitted by the applicant, only 25 feet of right-of-way has been dedicated along Oak Grove Road. Oak Grove Road is classified as a secondary arterial street, which by the Subdivision Regulations, requires 50 feet of right-of-way from the section line.

Larry Curtis said, based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that BAZ-1977 be approved, subject to

the property being platted, as per Section 6.3.D.2.vi of the Zoning Ordinance. Staff can recommend that platting be waived, provided right-of-way is dedicated in accordance with the Subdivision Regulations (50 feet from the section line) along Oak Grove Road. In addition, 17.5 feet of utility easement shall be dedicated adjacent to the right-of-way dedication along Oak Grove Road.

Fred Dorrell asked if the applicant was present and to step to the podium and state their name and address and if they are in agreement with Staff recommendations.

Marcy Wilson, Partner of ZION USA, 7633 E. 63rd Place, Ste. 300, Tulsa said she is in agreement with Staff recommendation and asked if that means can request to waive those.

Fred Dorrell said yes. Ricky Jones said Staff recommended a waiver of platting subject to the dedication of right of way and asked if Ms. Wilson understood that requirement. Ms. Wilson asked for clarification. Larry Curtis said instead of platting the property, right-of-way can be dedicated, per the Subdivision Regulations, and Ms. Wilson previously submitted the right-of-way documents.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on BAZ-1977. No one responded. Mr. Dorrell closed the public hearing.

MOTION: by Mark Jones to approve BAZ-1977, per Staff recommendations. The motion was seconded by Carolyne Isbell-Carr.

After the vote, Fred Dorrell said BAZ-1977 will be heard by City Council on June 5, 2017, at 6:30 p.m.

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

B. [17-2178](#) Public hearing, consideration, and possible action regarding PUD-153B, a request for a minor amendment to PUD-153, Berwick on Cedar Ridge, Lots 8 & 9, Block 1, 0.17 acres, R-3/PUD-153 to R-3/PUD-153B, east of Mingo Road, one-quarter mile north of Florence Street

Plan Development Manager, Larry Curtis presented the background for Planned Unit Development (PUD)-153B saying, PUD-153B is a request for a minor amendment to PUD-153 on 0.17-acre lot. PUD-153, consists of 6.46 acres and was approved by the City Council on December 20, 2004. With PUD-153B, applicant is requesting that the 10-foot building line on the south side of the property be reduced to 3-feet and that the front building line be reduced from 20-feet to 17-feet.

Mr. Curtis said, according to the applicant, when the existing home was constructed,

measurements for the house were possibly taken from the incorrect property pin for Lot 7 to the north. This resulted in the house being built too close to the south and west property lines causing encroachments into the front building line setback (3-feet) and the south side yard setback (7-feet).

Larry Curtis said, Staff recommends that PUD-153B, a request for a minor amendment to PUD-153, be approved as presented and re-platting be waived.

Fred Dorrell asked if the applicant was present and to step to the podium and state their name and address and if they are in agreement with Staff recommendations.

Steve Harris, PMC Homes, 14716 S. Grant Street, Bixby, OK said he is in agreement with Staff recommendations.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on BAZ-1977. No one responded. Mr. Dorrell closed the public hearing.

MOTION: by Mark Jones to approve PUD-153B, per Staff recommendations. The motion was seconded by Ricky Jones.

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

C. [17-2100](#) Public hearing, consideration, and possible action regarding PUD-217A, a request for a minor amendment to PUD-217, Scissortail Crossing, 15.34 acres, PUD-217/RM to PUD-217A/RM, one-quarter mile north of Albany Street, east of 23rd Street

Larry Curtis presented the background saying Planned Unit Development (PUD)-217A is a request for a minor amendment to PUD-217. The Scissortail apartments are presently under construction on the property. The design statement for PUD-217 that was approved by the City Council on July 17, 2012, stated “An architectural open metal fence with masonry columns and/or walls shall be provided along the west boundary. The maximum continuous length of the architectural open metal fence shall be 50 feet.” With PUD-217A, applicant is requesting to replace the proposed ornamental steel fence with a white vinyl rail fence and remove the requirement for masonry columns. The white vinyl rail fence would be varied and not in a continuous straight line. The rest of PUD-217 remains unchanged.

Mr. Curtis said Staff recommends that PUD-217A, a request for a minor amendment to PUD-217, be approved as presented.

Fred Dorrell asked if the applicant was present and to step to the podium and state their name and address and if they are in agreement with Staff recommendations.

Justin Dixon, Case and Associates, 4200 E. Skelly Drive, Tulsa, said they are in agreement with Staff recommendations.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on PUD-217A. No one responded. Mr. Dorrell closed the public hearing.

MOTION: by Mark Jones to approve PUD-153B, per Staff recommendations. The motion was seconded by Ricky Jones.

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

D. [17-2189](#) Public hearing, consideration, and possible action regarding PUD-261 & BAZ-1978, Chestnut Creek, +/-11.06 acres, PUD-261/RS-2, one-quarter of a mile west of the northwest corner of Jasper Street and Aspen Avenue

Larry Curtis presented the background for PUD-261 saying, Planned Unit Development (PUD)-261 involves approximately 11.06 acres of undeveloped land. These applications have been submitted for a proposed 34 single-family attached and detached residential development.

PUD-261 divides the property into two development areas, Development Area 'A' and Development Area 'B'. Development Area A, will be for single-family attached and detached residential units. It will be developed in accordance with RS-2 development regulations except as follows:

- Minimum lot frontage reduced from 70 feet to 40 feet at building line.
- Minimum lot size reduced from 8,000 square feet to 4,400 square feet.
- Rear yard setback reduced from 20 feet to 10 feet
- Side yard (single-family attached) reduced from 10/5 feet to 0 feet (internal) and 5 feet (end unit).
- Side yard (single-family detached) reduced from 10/5 to 5/5 feet or 0/10 feet.
- Minimum building separation is 10 feet.
- Side, Corner Lots reduced from 25 feet to 15 feet.
- Development Area B, will be left as Open Space and Sidewalks.

Mr. Curtis said part of the property is located in a 100-year floodplain area of Aspen Creek. This area will be left as open space, which is in accordance with the Comprehensive Plan.

The applicant contacted Staff regarding this application and requested it to be continued to the May 25, 2017 to allow time to conduct a meeting with surrounding property owners regarding this project; therefore, Staff recommends PUD-261 and BAZ-1978 be continued to the May 25, 2017 Planning Commission meeting, per the applicant's request.

MOTION: by Mark Jones to continue Item 6D to the May 25, 2017 Planning Commission meeting. The motion was seconded by Carlyne Isbell-Carr.

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

Fred Dorrell said Item 6D, PUD-261 and BAZ-1978 will be heard by Planning Commission on May 25th. He said this will provide time for the applicant's to meet with surrounding homeowner's to discuss their project.

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

E. [17-2186](#) Public hearing, consideration, and possible action regarding PUD-262 and BAZ-1979, Kensington Ridge II, 39.87 acres, A-1 to RS-1/PUD-262, one-quarter mile north of Houston Street, one-quarter mile west of Oak Grove Road

Ricky Jones said his firm prepared this PUD and he would not be participating in the discussion. Mr. Jones left the Council Chambers.

Ms. Yamaguchi continued, saying access to Kensington Ridge II is through two stub streets in Kensington Ridge which will be extended by this development. Additional stub streets will be platted to the west, north, and east for improved connectivity to future development. Per Section D107.1 of the International Fire Code, "Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3". The conceptual site plan submitted with PUD-262 shows only one entry off of Houston Street through the existing Kensington Ridge subdivision. This item does not affect the PUD and rezoning, and will be addressed during platting.

Amanda Yamaguchi said water to this development will be provided by Wagoner County Rural Water District 4. Public sanitary sewer service is not available. As with Kensington Ridge to the south, sewer will be served by individual, on-site aerobic systems approved by the Oklahoma Department of Environmental Quality. She said streets within PUD-262 shall be placed in a minimum 60-foot right-of-way, with a minimum of 26-feet of paving. Streets shall be constructed to meet the standards of Tulsa County for minor residential streets with borrow ditches, without curbs or sidewalks. This will be regulated by Broken Arrow Engineering Design Criteria.

Ms. Yamaguchi said the property is designated as Level 1 in the Comprehensive Plan. RS-1 zoning is considered to be in accordance with Comprehensive Plan in Level 1. According to the FEMA maps, none of the property is located in a 100-year floodplain. Based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-262 and BAZ-1979 be approved, subject to the property being platted. The applicant is present and in agreement with Staff recommendations.

Fred Dorrell asked if the applicant was present and to step to the podium and state their

name and address and if they are in agreement with Staff recommendations.

Erik Enyart, Tanner Consulting, 5323 S. Lewis Avenue, Tulsa, said he represents their client for these applications seeking to rezone this property and for the PUD. He said this PUD recognizes the unique circumstances of this property and they wish to maximize the use of the property. He said Kensington Ridge II is the second Phase of Kensington Ridge I which was developed to the south in the unincorporated portion, in Wagoner County. This site is bounded on the south by Kensington Ridge, on the west and north by vacant land, on the east by rural and agricultural tracts along 273rd East Avenue. Kensington Ridge II proposes large residential estate lots similar to the first phase, which are generally one-half acre in size. The PUD will allow for up to 60 lots, but the present site plan reflects 50.

Mr. Enyart said access, as previously mentioned, will be from two stub streets in Kensington Ridge I and will extend through Kensington Ridge II. He said they will provide additional stub streets to the west, north and east for improved connectivity by future development and will have borrow ditch designed streets with minimum of 60 feet right-of-way, 26 feet of paving, and will meet the Tulsa County standards for minor residential streets with burrow ditches, no curbs or sidewalks. The site plan, in the PUD, is conceptual and will change as further designs happen for the development.

Erik Enyart said they are in agreement with the Staff recommendations including that of access. He said they will work with Staff to identify access through the platting process. He said he appreciated Staff's help.

Fred Dorrell asked if the Commissioners had any questions.

Lee Whelpley asked if there will only be one egress and entrance at the south once the project is complete.

Erik Enyart said at the present time, yes, as there is only one street that is a divided boulevard type street. There is only one street connection to both developments, at this time.

Lee Whelpley asked if that would satisfy both developments.

Michael Skates said Staff is working with the Fire Department regarding this project. He said this property is a unique situation because the southern half of the property is in Wagoner County and the northern part is in City of Broken Arrow. He said in visiting with the Fire Marshal, they believe the one entry that was done with Kensington Ridge I will work because when you cross the line into the City there are two points of entry; however, the City does not have jurisdiction over what happens on Houston with Wagoner County. He said he believes the Fire Marshal was in agreement, but will be following up with him to make sure that the layout presented is in agreement with the fire code.

Michael Skates said the other item is the streets being constructed to Tulsa County Standards. He said before the streets are constructed, a variance form must be filled out, along with the typical section they wish to build, and submit it to the City of Broken Arrow's Engineering Director requesting that the streets be modified from City of Broken Arrow Standards to Tulsa Standards because Broken Arrow does not have a section without a curb. The closest one is Tulsa County which is a non-curbed rural estate typed street. The variance needs to be submitted to Development Services to give to the Engineering Director for review and approval. With the submittal there may be changes within that typical section because Tulsa County sections are thinner, as far as asphalt and ag-base than Broken Arrow's.

Erik Enyart said our PUD does identify that any modifications or waivers needed will be identified and be applied for through the platting process.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on Item 6E, PUD-262. No one responded. Fred Dorrell closed the public hearing.

MOTION: by Mark Jones to approve PUD-262, per Staff recommendations. The motion was seconded by Lee Whelpley.

After the vote, Fred Dorrell said PUD-262 will be heard by City Council on June 5, 2017 at 6:30 p.m.

Aye: 4 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, and Fred Dorrell

Recused: 1 - Ricky Jones

F. [17-2101](#) **Public hearing, consideration, and possible action regarding PUD-263 and BAZ-1980, Elgin Street Row Homes, 0.56 acres, PUD-241/R-3 to PUD-263/DF, northeast corner of Cedar Avenue and Elgin Street**

Ricky Jones returned to the Council Chambers.

Larry Curtis presented the background saying, Planned Unit Development (PUD)-263 and BAZ-1980 involve a 0.56-acre undeveloped tract located on the northeast corner of Cedar Avenue and Elgin Street. Applicant is requesting that the zoning on the property be changed from PUD-241/R-3 (Single Family Residential) to PUD-263/DF (Downtown Fringe). He said instead of constructing four single-family detached dwelling units on the property, applicant is now proposing to construct seven single family attached units on the property. Each of the units is intended to be single-family, owner occupied units. According to the Zoning Ordinance, the minimum land area for a PUD in the R-3 district is 8,500 square feet per dwelling unit per gross land area. The gross land area includes half of the adjoining street right-of-way. With 0.80 gross acres, four dwelling units are allowed on the property with R-3 zoning. Therefore, to have seven dwelling units on the property, the zoning has to be changed. As a result, applicant is

requesting that the zoning designation be changed from R-3 to DF.

Mr. Curtis said with PUD-263 that is being proposed, the minimum lot size will be 2,300 square feet and the units will cover at least 65 percent of the lot. Five units are allowed up to the property line along Elgin Street with an attached garage provided at the rear of the unit. Access to the other two units is from the private drive. The exterior of the buildings will contain masonry, stucco, stone, or hardie-plank trim siding.

Larry Curtis said the surrounding property is zoned R-3 and while the property immediately adjacent to this property is zoned R-3, there is DF zoning one-half block to the southwest. The Downtown Master Plan encourages having residential buildings in the downtown fringe located closer to the street. In addition, the Comprehensive Plan states “the size and scope of the rezoning request is compatible with the surrounding land uses and meets the design standards and objectives of the Broken Arrow Downtown Master Plan.”

Mr. Curtis said Staff recommends that PUD-263 and BAZ-1980 be approved, subject to the property being replatted.

Fred Dorrell asked if the applicant was present and to step to the podium to state their name and if they are in agreement with the Staff report.

Brooks Pittman, Pittman Poe & Associates, 1709 W. Granger Street, Broken Arrow, said they are in agreement with Staff recommendations.

Fred Dorrell opened the public hearing and asked if anyone wished to speak regarding Item 6F, PUD-263 and BAZ-1980.

Eric Boney, 9836 South 77th East Avenue, Tulsa, said he owns three homes across the street, on the corner of Elgin and Cedar. He said one of the homes drive-way is at the bridge and asked if the proposed project will be subject to the completion of the bridge and the completion of Cedar. In addition, asked what effect or burden the extra traffic would have on Cedar.

Michael Skates said the bridge project has been advertised and should be starting construction sometime this month or early next month. With this development and the fact that the creek runs the east and north side of this property, every effort is being made by the developer and his design team to evaluate the creek, its 100-year system, along with the City of Broken Arrow storm and engineering department to make sure there will be no adverse impact on their property, downstream or adjacent property. Construction will start soon which will continue the curb and gutter street. Traffic will primarily be internal with the single-family homes. As far as what is designed, traffic will come in from Cedar into a courtyard with personalized driveways and garages. Cedar is becoming more of a thoroughfare from Broadway to Kenosha and the City’s engaged with other street improvements within this other part of Old Town, primarily going east

and west from Main to Elm. So over the next couple of years there will be other streets getting curbed and guttered.

Mr. Boney asked if the Creek will be addressed at that time, as far as getting cleaned out to improve the flow of water in the area.

Michael Skates said it is being looked into as a long term improvement because that branch of Park Grove Creek can be an amenity to the north part of Main Street, as well as this district downtown. He said it has been long forgotten and no one notices it until it rains. The City is looking into opportunities to enhance the viability of that channel along with potential improvement to existing property owners and future property owners.

Mr. Boney said there will be an additional burden of traffic added on Elgin with this project but it sounds like the issue will be addressed.

Michael Skates said the City completed a street and sewer improvement study several years ago and there was 60 million dollars' worth of projects to improve to get to City standards, widths, curb and gutter. The top ten projects were identified with one of them being Broadway and Cedar.

Fred Dorrell asked if anyone else wished to speak on Item 6F. No one responded. Mr. Dorrell closed the public hearing.

Lee Whelpley said there is quite a slope from Lot 5 to the north. It was mentioned in DAB - does this require a detention pond.

Michael Skates said detention is not required on this piece of property, but drainage and the creek are the number items of concern for this development. The owner and his design team have and continue to evaluate the channel, based on information our stormwater department have provide them, along with the existing bridge. They are considering several ideas and have looked at foundations that are flow-thru foundations with a stem wall. A retaining wall can be built with openings or a low type retaining wall that allows water to get over; however, until the project moves forward for development and it is determined as to the type of grades needed and the adverse impact, if any, it remains to be unseen. Unique ideas may need to be considered.

MOTION: by Ricky Jones to approve Item 6F, per Staff recommendations. The motion was seconded by Carolyne Isbell-Carr.

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

After the vote, Fred Dorrell said PUD-263 and BAZ-1980 will be heard by City Council on June 5, 2017 at 6:30 p.m.

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

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 Mark Jones to adjourn at 5:37 p.m. The motion was seconded by Carolyne Isbell-Carr.

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