



City of Broken Arrow

Minutes 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*

Thursday, June 27, 2019

Time 5:00 p.m.

Council Chambers

1. Call to Order

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

2. Roll Call

Present: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

Staff Planner Amanda Yamaguchi presented the Consent Agenda.

- A. 19-770** **Approval of BAL-2052, Cody D. Callaway Lot Split, 2 Lots, 7.03 acres, one-eighth mile south of Jasper Street (131st Street), east of Olive Avenue (129th East Avenue)**
- B. 19-728** **Approval of BAL-2053 (Lot Split), Doyle Property, 1 Lot, 2.55 acres, one-third mile north of New Orleans Street (101st Street), one-quarter mile west of 23rd Street (193rd East Avenue/County Line Road)**
- C. 19-729** **Approval of BAL-2054CB (Lot Consolidation), Doyle Property, 2 Lots, 3.10 acres, one-third mile north of New Orleans Street (101st Street), one-quarter mile west of 23rd Street (193rd East Avenue/County Line Road)**

Chairperson 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 removed for discussion. He asked if there were any items to be removed from the Consent Agenda; there were none.

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

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

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

5. Consideration of Items Removed from Consent Agenda

No Items were removed from the Consent Agenda. No action was taken or required.

6. Public Hearings

- A. 19-721** **Public hearing, consideration, and possible action regarding BAZ-2030, Larry Stalcup, 2.50 acres, A-R-1 to R-2, one-half mile east of Aspen Avenue (145th East Avenue), north of Jasper Street (131st Street) at 12932 S. 152nd East Avenue**

Senior Planner Brent Murphy reported BAZ-2030 was a request to change the zoning designation on 2.5 acres from A-R-1 to R-2. He explained A-R-1 zoning was assigned when the property was annexed into Broken Arrow in 2002. He noted 50 feet of right of way was dedicated along S. 152 East Avenue. He stated there was an existing sanitary sewer line along the west property line, but there were no water lines adjacent to the site. He noted the applicant wished to add on to the existing house, rebuild his existing barn and possibly split the property into two lots in the future. He stated the Future Development Guide of the Comprehensive Plan showed this site to be designated as Level 2 and R-2 zoning was in accordance with the Comprehensive Plan in Level 2. He stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended BAZ-2030 be approved. He stated as there were no sidewalks in the area Staff recommended the applicant not be required to install sidewalks as part of the upgrade. He indicated the applicant was aware of the requirements regarding the sanitary sewer line.

The applicant, Larry Stalcup, stated his address was 8501 S. 6th Street, Broken Arrow. He stated he agreed with Staff recommendations and noted he had already made the necessary sanitary sewer line adjustments.

Chairperson Jones opened the Public Hearing for Item 6A. He asked if any present wished to speak regarding Item 6A; hearing none, he closed the Public Hearing.

MOTION: A motion was made by Mark Jones, seconded by Fred Dorrell.

Move to approve Item 6A, BAZ-2030, per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 6A would go before City Council on July 16, 2019 at 6:30 p.m. He recommended the applicant attend this City Council Meeting. He explained if any individual desired to speak regarding this Item, said individual was required to fill out a Request to Appear before City Council form in advance.

B. 19-802 Public hearing, consideration, and possible action regarding BAZ-2031, Patrick Bromley, 0.30 acres, RM (Residential Multifamily) to RE (Residential Estates), one-third mile west of 9th Street (Lynn Lane/177th East Avenue), south of Jasper Street (131st Street)

Senior Planner Brent Murphy reported this was a request to change the zoning on a single family detached home on 0.3 acres from RM (Residential Multifamily) to R-2. He noted the RM zoning was approved in 1972 as part of BAZ-307. He explained in 1972 single family detached was permitted in the RM district; however, this was changed in 2008 and single family residential was no longer recognized as a permitted use in the RM district. He noted while the applicant was in the process of selling the property it was discovered this property was no longer in compliance with the Zoning Code and as such the applicant wished to rezone to come into compliance. He reported the Future Development Guide of the Comprehensive Plan showed the site to be Level 2, and R-2 zoning was considered to be in conformance with the Comprehensive Plan in Level 2. He noted the property was not located within the 100 year flood plain. He stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended approval of BAZ-2031. He stated as no additional right of way or easements were needed staff recommended platting be waived. He explained the original request read "from RM to RE", but now was "from RM to R-2" due to Staff changes.

Chairperson Jones asked if the house burned down today would the homeowner be permitted to rebuild or would the homeowner be required to go through the rezoning process prior to rebuilding. Mr. Murphy responded the homeowner would be required to go through the rezoning process prior to rebuilding the home. He explained the mortgage company was asking for the property to come into zoning compliance prior to being sold.

The applicant, Patrick Bromley, stated his address was 8300 S. 4th Street, Broken Arrow. He stated he was in agreement with Staff recommendations.

Chairperson Jones opened the Public Hearing for Item 6B.

Ms. Amy Greenleaf stated her address was 8308 S. 4th Street. She stated she objected because she was not notified when this property was rezoned in 2008. She stated she wished the Planning Commission to rezone the whole neighborhood, not just the one property. She noted having to go through the rezoning process would be a hardship for herself and her neighbors. Chairperson Jones stated he understood Ms. Greenleaf was not opposed to the property being rezoned, but she was opposed to the rezoning process. Ms. Greenleaf responded she was opposed to the rezoning if she was not rezoned through the same application. Chairperson Jones indicated Ms. Greenleaf could not be included in this same application. He explained the area was not rezoned in 2008; the new zoning code was adopted in 2008, and as such new rules and regulations for RM zoning were adopted. He indicated the public was lawfully notified of the changes. He explained when the new rules of the zoning code were adopted in 2008 single family homes in this RM zoned area became legal non-conforming uses and as such only if a homeowner wished to expand or rebuild would a homeowner be required to rezone the property. Ms. Greenleaf noted she would also be required to rezone her home if she wished to resell, which would be a hardship; therefore, she was opposed.

Mr. Don Summers stated his address was 8313 S. 4th Street. He stated he did not object to the rezoning. He stated the property next door to his was a boarding house; often there were many cars parked outside and in the street blocking his mailbox, the privacy fence had all blown down, and the owner lived in California. He stated multifamily zoning was a "bad deal" for the neighborhood, and he felt it was wrong for the neighborhood to be zoned as RM. He stated he opposed the multifamily zoning. He noted he called the City many times complaining about the boarding house, but the City had never returned his calls in this regard.

Mr. Earl Dunham stated his address was 301 E. Kingsport Street. He stated he did not oppose the rezoning, but he seconded Ms. Greenleaf's and Mr. Summer's comments. He noted he bought his home four years ago. Chairperson Jones asked if Mr. Dunham was aware he was purchasing RM zoned property when he bought his home. Mr. Dunham responded in the negative and noted he worked for a mortgage company. He stated he called the holder of his

mortgage in an attempt to discover how this happened. He noted he planned to sell his home in a few years and he did not want to be caught in this same situation. He asked the Planning Commission to consider a mass application for the homeowners in the area who wished to rezone to single family.

Mr. Dan Craft stated his address was 8300 E. 4th Street. He stated he was the purchaser of the property in question. He explained he was getting a VA loan and the VA was extremely thorough in its research process. He stated he sympathized with the other residents and did not wish the neighbors to dislike him prior to moving in. He indicated he hoped there was a way to attach the interested homeowners onto this rezoning application.

Mr. Don Summers asked if this property would be a single family home.

Mr. Patrick Bromley stated he sympathized with Ms. Greenleaf. He explained there was some urgency in regard to his application as the process was causing serious delays in the selling of his home and he had been required to pay approximately \$6,000 dollars in extra mortgage payments as a result. He stated he was on the verge of bankruptcy. He stated he agreed with his neighbors that RM zoning was bad for the neighborhood. He asked if a mass application was possible that it be done at a later date to prevent any further delay in his own application. He stated this property would continue to be a single family home.

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

Commissioner Mark Jones asked how the situation could be remedied for the entire neighborhood. Acting Development Services Director Larry Curtis responded there were two options. He noted this was not the only neighborhood in Broken Arrow with similar zoning. He explained the Planning Commission could direct Staff to consolidate all similar neighborhoods in Broken Arrow into a rezoning application. He explained the notification process. He stated the second option would be for an affected neighborhood to come together on its own and submit a rezoning application. He noted the Planning Commission attempted to do this for Sun City, but many citizens opposed the rezoning. He stated the Planning Commission could not give Staff direction at this meeting; however, this could be put on the agenda for the next meeting for Planning Commission consideration. Chairperson Jones asked Staff to check with Ms. Greenleaf, as well as the other citizens, and to keep the citizens apprised of the situation. Mr. Curtis agreed.

Vice Chairperson Lee Whelpley noted the Planning Commission could not address any situation which was not directly listed on the Agenda. He stated he wished the citizens to understand the Planning Commission was not intentionally ignoring a request, but was required to address Agenda Items only.

Commissioner Jones asked what the cost was for a rezoning application. Mr. Curtis responded the application cost \$150 dollars. Mr. Murphy responded the rezoning process cost was approximately \$600 dollars to \$800 dollars and there were approximately 28 properties affected in this neighborhood. Chairperson Jones noted if the City initiated the application the City would bear the cost. Discussion ensued regarding the cost being mostly associated notification fees, the neighborhood being able to split the costs associated if filed jointly, some citizens not wishing to rezone property, and some neighborhoods controlling land use through private covenants.

MOTION: A motion was made by Mark Jones, seconded by Lee Whelpley.

Move to approve Item 6B, BAZ-2031, RM to R-2 zoning, per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 6B would go before City Council on July 16, 2019 at 6:30 p.m. He recommended the applicant attend this City Council Meeting. He explained if any individual desired to speak regarding this Item, said individual was required to fill out a Request to Appear before City Council form in advance.

Mr. Curtis requested the citizens who were interested in rezoning to stay until after the Meeting for the purpose of gathering contact information and further discussion as Staff would be researching the situation.

C. 19-814 Public hearing, consideration, and possible action regarding PUD-249A (Planned Unit Development), a major amendment to PUD-249, Bluebird Storage Facilities, 6.50 acres, IL (Industrial Light)/PUD-249 to IL/PUD-249A, south of Washington Street (91st Street), one-quarter mile east of the Creek Turnpike
Mr. Brent Murphy reported PUD-249A involved a 6.5 acre parcel currently zoned IL (Industrial Light) through PUD-249 and BAZ-1952 which were approved by City Council in 2016. He stated PUD-249 limited the use of the property to storage and accessory uses;

PUD-249A requested to split the property into two parcels and create two development areas (A and B). He displayed a map which showed how the property would be divided. He noted area B would continue to be storage and area A held the detention pond. He indicated this property was initially platted as a horticultural nursery and had no sanitary sewer lines, but used the detention pond as a sewer lagoon (which was previously approved). He stated the applicant wished to use area A for Industrial Light uses. He reported when Staff visited the property there were several things which had not been done (by the previous owner) in accordance with the PUD or the site plan. He explained the new owner had been made aware of the discrepancies and agreed to bring the property into compliance with the PUD and the site plan with one request: to install slats into the existing chain link fence rather than remove and reinstall different fencing. He stated based on the Comprehensive Plan, existing zoning, design statement, location of the property and the surrounding land uses, Staff recommended approval of PUD-249A and as the property was platted, waive platting requirements; however, Staff recommended the property come into compliance by January 1, 2020, including the removal of an off-premise advertising sign. He stated Staff also indicated the lot split would not be stamped and recorded until after the property had been brought into compliance.

The applicant, Tim Terral of Tulsa Engineering and Planning Associates, stated his address was 9820 E. 41st Street, Suite 102. He indicated he fully intended to bring this property into compliance. He noted he had not been aware of the discrepancies until Mr. Murphy had brought them to his attention. He stated he was in agreement with Staff recommendations.

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

Mr. Murphy noted the map he displayed (dated June 26, 2019) had been added late to the PUD application, but would be forwarded to City Council with the application. Discussion ensued regarding how to correctly word the motion.

MOTION: A motion was made by Fred Dorrell, seconded by Mark Jones.

Move to approve Item 6C, PUD-249A, with the document dated June 26, 2019, per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 6C would go before City Council on July 16, 2019 at 6:30 p.m. He recommended the applicant attend this City Council Meeting. He explained if any individual desired to speak regarding this Item, said individual was required to fill out a Request to Appear before City Council form in advance.

D. 19-757 Public hearing, consideration, and possible action regarding PUD-291 (Planned Unit Development), Boston Heights, 2.10 acres, A-1 (Agricultural) to PUD-291/RS-2 (BAZ-1991, Single Family Residential), one-half mile east of Elm Place (161st East Avenue), one-quarter mile south of Washington Street (91st Street)

Mr. Brent Murphy reported PUD-291 involved 2.1 acres, presently zoned A-1. He stated in January 2018 City Council approved a zoning change from A-1 to RS-2 subject to the property being platted; however, the property had not been platted due to the sewer line being located approximately 32 feet to the east of the proper easement. He stated PUD-291 was a request to adjust the lot size from 70 feet to 65 feet in an effort to accommodate the sanitary sewer lines. He noted the 65 foot lot size was bigger than permissible in the RE-2 district. He noted the Staff report included a summary of the other minor changes requested by the applicant. He stated based on the Comprehensive Plan, existing zoning, design statement, conceptual site plans, location of the property and the surrounding land uses, Staff recommended PUD-291 be approved subject to the property being platted. He noted Staff required the existing utility easement be vacated.

The applicant, JR Donelson, stated his address was 12820 S. Memorial Drive, Bixby. He explained his solution for the sanitary sewer line problem was to adjust the lot lines to accommodate the sewer. He stated he agreed with Staff recommendations.

Chairperson Jones opened the Public Hearing for Item 6D. He asked if any present wished to speak regarding Item 6D; hearing none, he closed the Public Hearing.

MOTION: A motion was made by Mark Jones, seconded by Lee Whelpley.

Move to approve Item 6D, PUD-291, per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 6D would go before City Council on July 16, 2019 at 6:30 p.m. He recommended the applicant attend this City Council Meeting. He explained if any individual desired to speak regarding this Item, said individual was required to fill out a Request

to Appear before City Council form in advance.

7. Appeals

There were no Appeals.

8. General Commission Business

A. 19-826 Consideration, discussion, and possible approval of modified time limits on the Request to Appear forms and Guidelines for Planning Commission meetings

Mr. Larry Curtis noted City Council adopted a policy requiring a sign-in sheet and time limits for applicants and interested parties to speak before City Council. He explained City Council suggested the Planning Commission adopt such policies; however, the Planning Commission had the right to adopt, reject, or modify such policy.

Commissioner Dorrell noted Item 8A and Item 8B were identical. Mr. Curtis asked for Items 8A and 8B to be stricken from the Agenda and brought before the Planning Commission at a later date.

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

Move to strike Item 8A and Item 8B from the Agenda

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

B. 19-827 Consideration, discussion, and possible approval of modified time limits on the Request to Appear forms and Guidelines for Planning Commission meetings

This Item was struck from the Agenda per above motion.

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

Mr. Farhad Daroga reported last Thursday Staff met with the Consultants, City Council and the Planning Commission to review the NEXT Comprehensive Plan. He noted all parties were in general agreement with the NEXT Comprehensive Plan and Staff was moving forward with final notification. He reported the NEXT Comprehensive Plan would come before Planning Commission on July 25, 2019 for the final Public Hearing, following which the NEXT Comprehensive Plan would be forwarded to the City Council. Chairperson Jones stated he did not feel it was necessary for the Consultant to make a presentation regarding the NEXT Comprehensive Plan; Mr. Daroga could make the presentation.

Mr. Curtis noted there was an open position for the Director of Development Services; the City had moved forward with the application process, there were 41 applicants for the position and administration was reviewing the applicants. He stated he hoped the decision would be made regarding this position within the next couple of months.

Chairperson Jones asked if there were any suggestions regarding a new Planning Commission Member. Mr. Curtis responded in the negative.

10. Adjournment

The meeting adjourned at approximately 5:52 p.m.

MOTION: A motion was made by Mark Jones, seconded by Fred Dorrell.

Move to adjourn

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones