



City of Broken Arrow
Minutes - Final
Planning Commission

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

Chairperson Ricky Jones
Vice Chair Fred Dorrell
Member Lee Whelpley
Member Glenn Shaw
Member Carlyne Isbell-Carr

Thursday, September 24, 2015

5:00 PM

Council Chambers

1. Call To Order

The meeting was called to order by Ricky Jones at 5:00 p.m.

2. Roll Call

Present 3 - Lee Whelpley, Ricky Jones, and Glenn Shaw
Absent 2 - Fred Dorrell, and Carlyne Isbell-Carr

3. Old Business

None

4. Consideration of Consent Agenda

Brent Murphy presented the background for the Consent agenda items.

Ricky Jones explained the Consent Agenda voting process and asked if anyone wished to remove any items from Consent for discussion. No one responded.

MOTION: by Glenn Shaw to approve Consent Agenda Items 4A, B and C, excluding the meeting minutes, per Staff recommendations.

The motion was seconded by Lee Whelpley.

Aye: 3 - Lee Whelpley, Ricky Jones, and Glenn Shaw
Absent: 2 - Fred Dorrell, and Carlyne Isbell-Carr

A. Consideration and possible action regarding BAL 1081, Deitz Lot Split, 10.00 acres, A-1, one-half mile south of Tucson Street, east of Olive Avenue

Brent Murphy said the applicant is not present; however, recommendations were explained to the applicant.

This item was approved per Staff recommendations.

B. Consideration and possible action regarding PT15-108, Conditional Final Plat,

Countyline Crossings, 3 lots, 19.24 acres, A-1 to CG, northeast corner of 23rd Street and Dearborn Street

Brent Murphy said the applicant is present and in agreement with the Technical Advisory Committee recommendations and the Staff report.

This Item was recommended for approval, per Staff recommendations.

C. Consideration and possible action regarding PT15-112, Conditional Final Plat, Kenosha Villas, 8.70 acres, 16 lots, RM and FD/PUD 191B, one-half mile west of Aspen Avenue, one-quarter mile north of Kenosha Street, at the north end of Elder Place

Brent Murphy said the applicant is present and in agreement with the Staff report and Technical Advisory Committee recommendations.

This item was recommended for approval, per Staff recommendations.

Minutes, Planning Commission meeting held, September 10, 2015

Ricky Jones asked about the meeting minutes for the previous Planning Commission meeting. Farhad Daroga said the minutes are printed and have been given to Commission members due to a technical error with the publishing software. Ricky Jones said this item could be removed from Consent and heard at the end of the meeting.

This item was removed from the Consent Agenda and considered at the end of the meeting.

6. Public Hearings

A. Public hearing, consideration, and possible action regarding BAZ 1944, J-E-R LLC property, 6.50 acres, A-1 to CN, southeast corner of Jasper Street and Olive Avenue

Brent Murphy presented the background saying BAZ 1944 is a request to change the zoning designation on a 6.50 acre undeveloped tract from A-1 (Agricultural) to CN (Commercial Neighborhood). The property, which is located on the southeast corner of Jasper Street and Olive Avenue, was annexed into the City Limits of Broken Arrow on September 1, 2015 (Ordinance Number 3363). Applicant has not identified any specific uses proposed for the property at this time. None of the property has been platted.

The property is designated as Level 4 in the Comprehensive Plan. The CN zoning requested with BAZ 1944 is in accordance with the Comprehensive Plan in Level 4. According to FEMA maps, none of the property is located in a 100-year floodplain area.

Mr. Murphy said Based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that BAZ 1944 be approved, subject to the property being platted. When the property is platted, arterial street right-of-way

and utility easements shall be dedicated along both Jasper Street and Olive Avenue in accordance with the Subdivision Regulations.

Ricky Jones said, according to the case map, the property on northwest corner is zoned CN and the property on the northeast corner is zoned A-CN. He asked if this application is for the same zoning as the previously annexed property. Brent Murphy said yes.

Ricky Jones asked if the applicant is present.

Dean Solberg, Attorney at Law, representing the owner of the property, 7614 S. Joplin Ave, Tulsa, OK said he is in agreement with the Staff recommendations.

Ricky Jones opened the public hearing and asked if there are any interested parties who wish to speak on this item.

Monte Allison, 12301 E. 137th Street South, Broken Arrow, said he is representing 300 property owners in this area and they are opposed to this zoning request and provided the Commission with a signed petition. Mr. Allison presented photographs to the Commission. He said they oppose this rezoning due to this area being residential for many years and want it to stay residential. He asked if this property has been sold and what is proposed on this property. He voiced concern regarding a fleet of trucks traveling this area currently, causing road damage as well as concerns about increased traffic.

Ricky Jones said Jasper Street and Olive are designated on the Major Street and Highway Plan as secondary arterial streets and plan to be widened in the future.

Discussion continued.

Mr. Allison voiced concern about apartments or strip centers being allowed in this zoning. Farhad Daroga explained the uses allowed in the CN district and the comprehensive plan Level 4 allowing CN zoning. Ricky Jones said a list of allowed uses is available and will be given to Mr. Allison after the meeting.

(At 5:21 p.m.)

Jane Stout, 13606 S. 128th E. Avenue, Broken Arrow, said she is part of the petition and read the petition stating the surrounding neighbors are opposed to this rezoning request due to concerns that property values will decrease, loss of green space, increased traffic, increased crime and pollution.

(At 5:25 p.m.)

Clifford Height, 12820 E. 132nd Street South, Broken Arrow, voiced concern about the possibility of increased traffic and increased damage to the road due to large sand trucks.

(At 5:28 p.m.)

Sally Bright, 12969 E. 131st South, Broken Arrow voiced concern about current traffic issues and possibility of increased traffic due to this rezoning. She said she is opposed to this rezoning request.

(At 5:31 p.m.)

Lori McMillan, 12816 E. 131st Street South, Broken Arrow said she is opposed to this rezoning request.

(At 5:32 p.m.)

James Hailey, 7500 S. Gardenia Avenue, said the Comprehensive Plan is designed to anticipate growth of the community and a long term plan would be to keep similar zoning. He voiced concerns regarding damage to the existing road due to large sand trucks and said the burden of improving the intersection should fall on the applicant.

(At 5:35 p.m.)

Matt 3208 West Mobile, Broken Arrow voiced concern about commercial business being developed so close to residential development.

Ricky Jones asked Staff if this area has been designated for Commercial use since the inception of the Comprehensive Plan in the 1980's or 1970's. Farhad Daroga said the concept has been shown since the 70's and 80's.

(At 5:38 p.m.)

Hugh Bright, 12969 East 131st, Broken Arrow, voiced concerns about traffic.

(At 5:39 p.m.)

Catherine Dale, 12594 E. 131st St. South, Broken Arrow, voiced concern about safety issues of traffic and noise pollution.

Ricky Jones asked if Staff could speak with the Police Department regarding the traffic and roadway concerns. Michael Skates said the concerns have been noted and part of this area is County property and part is Broken Arrow and the information will be shared with the streets department and police department to look at the intersection.

Monte Allison asked what is proposed for this property if the CN zoning is granted. Ricky Jones explained the uses allowed. A copy of the zoning code was provided to Mr. Allison showing allowed uses in the CN district.

Michael Skates said it is unknown exactly what will be developed on this property. He said there is a list of potential uses. He told Mr. Allison to stay in contact with City Staff and Staff will share what is proposed as this project develops. Mr. Skates said Staff will do reviews to ensure things are done that are compatible with this area.

Ricky Jones closed the public hearing and asked if the applicant wished to respond.

Dean Solberg said he does not know exactly what will be developed in this area, as

development plans change. He said it would be unconscionable for his client to not get full value or use out of this property. This rezoning will also allow City police to respond to the area, whereas they could not before this rezoning request.

Lee Whelpley said many voiced concerns about sand trucks and he asked if there is a weight restriction on the roads in this area. Michael Skates said not that he is aware. Farhad Daroga said the area of concern is in the County. Mr. Jones said property that is zoned RS is Tulsa County, and areas of unincorporated areas.

Michael Skates said the City would like the opportunity to observe what is occurring at the sand plant and talk with Tulsa County's Engineer, Tom Raines, to see what can be done.

Lee Whelpley asked if expanding the road would be a cost sharing item shared with the County or done by Broken Arrow only. Michael Skates said he is unsure but thinks it is Broken Arrow. Lee Whelpley asked if the road is Broken Arrow if a restriction is put on the road. Mr. Skates said he is not aware of this particular area and is difficult to answer the question without observing the area and having the proper discussions.

Lee Whelpley said approving changes to the zoning does put the City of Broken Arrow on the hook for this area, in terms of infrastructure and keeping it up to date. Michael Skates said we don't know what is planned for this property but as it moves forward, in the development process, there are things that can be required such as traffic analysis, deceleration lanes or left turn lanes. Mr. Skates said the City can require many things; however, it is difficult to say until the property is developed. Mr. Skates said it does not seem that a stop light should be the developer's responsibility but something the City should do.

Discussion continued. Brent Murphy read from the Zoning Ordinance all uses allowed in the CN zoning district.

MOTION: by Glenn Shaw to approve BAZ 1944, per the Staff report. The motion was seconded by Lee Whelpley.

Ricky Jones said this item will be heard by City Council on October 20th, 2015, at 6:30 p.m.

Aye: 3 - Lee Whelpley, Ricky Jones, and Glenn Shaw

Absent: 2 - Fred Dorrell, and Carolyne Isbell-Carr

5. Consideration of Items Removed from Consent Agenda

Minutes, Planning Commission meeting held, September 10, 2015

MOTION: by Lee Whelpley to approve the meeting minutes as presented.
This item was seconded by Glenn Shaw.

- Aye: 2 - Lee Whelpley, and Glenn Shaw**
Absent: 2 - Fred Dorrell, and Carolyne Isbell-Carr
Abstain: 1 - Ricky Jones

7. Appeals

None

8. General Commission Business

None

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

10. Adjournment

A motion was made by Lee Whelpley at 6:02 p.m. to adjourn, seconded by Glenn Shaw.

- Aye: 3 - Lee Whelpley, Ricky Jones, and Glenn Shaw**
Nay: 2 - Fred Dorrell, and Carolyne Isbell-Carr