



City of Broken Arrow

Minutes Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

Chairperson Fred Dorrell
Vice Chairperson Lee Whelpley
Commission Member Ricky Jones
Commission Member Mark Jones
Commission Member Jaylee Klempa

Thursday, December 5, 2019

Time 5:00 p.m.

Council Chambers

1. Call to Order

Chairperson Fred Dorrell called the meeting to order at approximately 5:00 p.m.

2. Roll Call

Present: 4 - Jaylee Klempa, Mark Jones, Ricky Jones, Fred Dorrell
Absent: 1 - Lee Whelpley

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

Staff Planner Amanda Yamaguchi presented the Consent Agenda.

- A. 19-1409 **Approval of PT13-100A, Conditional Final Plat, Shadow Trails II, 35.16 acres, 111 lots, A-1 to RS-3, one-quarter mile west of Olive Avenue, one-quarter mile south of Tucson Street**
- B. 19-1422 **Approval of PT17-115A, Conditional Final Plat, Creek 51 Business Park, 97.21 acres, 8 Lots, A-1 to CG and IL/PUD-204A, one-half mile south of Houston Street (81st Street), west of Highway 51 and west of the Creek Turnpike**
- C. 19-1457 **Approval of PT19-117, Preliminary Plat, Broken Arrow HS STEM, 79.844 acres, 1 Lot, A-1, one-quarter mile east of 23rd Street (193rd E. Avenue/County Line Road), north of Albany Street (61st Street)**

Ms. Yamaguchi indicated all applicants were in agreement with the Staff Reports.

Commissioner Ricky Jones stated his firm prepared Items 4A and 4B. He asked for these Items to be pulled from the Consent Agenda.

Chairperson Dorrell 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 other items to be removed from the Consent Agenda; hearing none, he called for a motion.

MOTION: A motion was made by Jaylee Klempa, seconded by Ricky Jones.

Move to pull Items 4A and 4B from the Consent Agenda

The motion carried by the following vote:

Aye: 4 - Jaylee Klempa, Mark Jones, Ricky Jones, Fred Dorrell

MOTION: A motion was made by Jaylee Klempa, seconded by Mark Jones.

Move to approve Consent Agenda Item 4C per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Jaylee Klempa, Mark Jones, Ricky Jones, Fred Dorrell

5. Consideration of Items Removed from Consent Agenda

Commissioner Ricky Jones left the room during the discussion and vote for Items 4A and 4B.

MOTION: A motion was made by Mark Jones, seconded by Jaylee Klempa.

Move to approve Items 4A and 4B per Staff recommendation

The motion carried by the following vote:

Aye: 3 - Jaylee Klempa, Mark Jones, Fred Dorrell

Recused: 1 - Ricky Jones

Chairperson Dorrell noted Items 4A and 4B would go before City Council on January 7, 2019 at 6:30 p.m.

6. Public Hearings

- A. 19-1470 **Public hearing, consideration, and possible action regarding PUD-17C (Planned Unit Development Major Amendment), Vandever Acres Center, 4.94-acres, CG/PUD-17**

(Commercial General), located west of the northwest corner of New Orleans Street (101st Street) and Elm Place (161st E. Avenue)

Staff Planner II Jane Wyrick reported Planned Unit Development (PUD)-17C involved a 4.94-acre parcel located west of the northwest corner of New Orleans Street (101st Street) and Elm Place. She stated with PUD-17C, the applicant proposed a major amendment to PUD-17 to allow medical marijuana dispensary as a permitted use in addition to the other principle and accessory uses permitted as a matter of right in the Commercial General zoning district. She indicated when PUD-17 was approved medical marijuana dispensary was not a permitted use; therefore, an amendment to the PUD was necessary to include dispensary use as a permitted use. She reported on September 18, 2018, the City Council adopted Ordinance No. 3542 allowing for retail medical marijuana establishments, commercial marijuana growing facilities, wholesale marijuana facilities, and marijuana storage facilities. She noted the ordinance allowed for retail medical marijuana establishments in commercial zoning districts provided the establishment was not located within one thousand (1,000) feet from any public or private school entrance. She stated the ordinance also outlined the process an operator must complete in order to obtain the required City of Broken Arrow Medical Marijuana Dispensary permit. She stated should this PUD major amendment be approved the business operator would be required to obtain the dispensary permit. She stated based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended PUD-17C be approved, subject to the operator obtaining all applicable licenses and permits.

The applicant, Nathalie Cornett, stated her address was 2727 E. 21st Street, Tulsa. She indicated she was in agreement with Staff recommendations. Assistant City Attorney Tammy Ewing asked if Ms. Cornett understood the Staff recommendation indicated the PUD amendment would not be approved until the applicant obtained all applicable licenses and permits. Ms. Cornett responded in the affirmative.

Chairperson Dorrell opened the Public Hearing and 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 Ricky Jones.

Move to approve Item 6A per Staff recommendations

The motion carried by the following vote:

Aye: 3 - Mark Jones, Ricky Jones, Fred Dorrell
Nay: 1 - Jaylee Klempa

Chairperson Dorrell noted this Item would go before City Council on January 7, 2019 at 6:30 p.m.

B. 19-1471 Public hearing, consideration, and possible action regarding PUD-126C (Planned Unit Development Major Amendment), Broken Arrow Plaza, 9.64-acres, CG/PUD-126 (Commercial General), located west of Elm Place (S. 161st E. Avenue), north of Tucson Street (121st Street)

Ms. Wyrick stated PUD-126C involved a 9.64-acre parcel located west Elm Place (161st E. Avenue), north of Tucson Street (121st Street). She reported with PUD-126C, the applicant proposed a major amendment to PUD-126 to allow medical marijuana dispensary as a permitted use. She noted with this PUD amendment, the applicant was requesting approval to include Medical Marijuana Dispensary as a permitted use in addition to other principal and accessory uses permitted as a matter of right in the CG (Commercial General) zoning district. She stated when PUD-126 was approved, medical marijuana dispensary was not a permitted use; therefore, an amendment to the PUD was necessary to include the dispensary use as a permitted use. She stated on September 18, 2018, the City Council adopted Ordinance No. 3542 allowing for retail medical marijuana establishments, commercial marijuana growing facilities, wholesale marijuana facilities, and marijuana storage facilities. She indicated the ordinance allowed for retail medical marijuana establishments in commercial zoning districts provided the establishment was not located within one thousand (1,000) feet from any public or private school entrance. She stated the ordinance also outlined the process an operator must complete in order to obtain the required City of Broken Arrow Medical Marijuana Dispensary permit. She stated should this PUD major amendment be approved the business operator would be required to obtain the dispensary permit. She stated based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended PUD-126C be approved, subject to the operator obtaining all applicable licenses and permits.

The applicant, Nathalie Cornett, stated her address was 2727 E. 21st Street, Tulsa. She indicated she was in agreement with Staff recommendations. She asked if there would be difficulties when applying for the permit as technically the PUD would not be approved until the permit was obtained. Community Development Director indicated if everything were to move forward, he would include a caveat in the permit application with the State explaining the situation.

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

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

Move to approve Item 6B per Staff recommendations

The motion carried by the following vote:

Aye: **4 -** Jaylee Klempa, Mark Jones, Ricky Jones, Fred Dorrell

Vice Chairperson Whelpley noted this Item would go before City Council on January 7, 2019 at 6:30 p.m.

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)

Mr. Larry Curtis introduced the new Planning and Development Manager Jill Ferenc. He reviewed Ms. Ferenc’s qualifications and welcomed Ms. Ferenc.

10. Adjournment

The meeting adjourned at approximately 5:12 p.m.

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

Move to adjourn

The motion carried by the following vote:

Aye: **4 -** Jaylee Klempa, Mark Jones, Ricky Jones, Fred Dorrell