

**CITY OF BROKEN ARROW
MINUTES OF THE
REGULAR MEETING OF THE
PLANNING COMMISSION
June 25, 2015**

The Planning Commission agenda for this meeting was posted on June 17, 2015, at 10:00 a.m., on the City Hall Bulletin Board, 220 South First Street, Broken Arrow, Oklahoma.

1. The Broken Arrow Planning Commission met on Thursday, June 25, at 5:00 p.m. The meeting was called to order by Chairman Ricky Jones.

2. **Roll Call:**

Present: Ricky Jones, Chairperson
Fred Dorrell, Vice Chairperson
Lee Whelpley, Commission Member
Carolyne Isbell-Carr, Commission Member

Absent: Glenn Shaw, Commission Member

Staff Present: Lesli Myers, Assistant City Attorney
Michael Skates, Director of Development Services
Farhad Daroga, City Planner
Brent Murphy, Assistant City Planner
Marcae Hilton, Staff Planner
David Steele, Planning Division Engineer
Tom Hendrix, Project Engineer, Engineering Division
Karissa Fischer, Administrative Assistant

3. **OLD BUSINESS**

- A. Public hearing, consideration, and possible action regarding PUD 116B, Bricktown Commercial Center, a request for a minor amendment to PUD 116A, 3 lots, 5.12 acres, located north of Kenosha Street, one-half mile west of Aspen Avenue, (continued from June 11, 2015)

Brent Murphy said the applicant had requested this case be continued to tonight's meeting. With PUD 116B, the applicant was requesting a minor amendment to reduce the minimum lot size and lot frontage. Staff is recommending approval of PUD 116B as presented. He noted they currently have access from Elder Street, but would have to return to the Planning Commission to review and approve a change of access.

Roy Johnsen, attorney for the applicant, spoke in favor of this minor amendment request.

Ricky Jones opened the public hearing and asked if anyone wished to speak on Item 3A. There were none. Ricky Jones closed the public hearing.

- 3A. **Motion** by Fred Dorrell to approve Items 3A per staff recommendations. The motion was seconded by Lee Whelpley
Yes: Isbell-Carr, Whelpley, Dorrell, Jones
No: None
Abstain: None
Motion approved.

4. **CONSENT AGENDA**

- A. Minutes, Planning Commission meeting held June 11, 2015. This item was approved as presented.
- B. Consideration, and possible action regarding PT15-107, Conditional Final Plat, The Reserve at Aspen Creek, 1 lot, 12.21 acres, A-1 to PUD 220B/RM, one-quarter mile west of Elm Place, north of Tucson Street. The applicant was not present; however, informed Staff they are in agreement with the Staff report. This item was approved, subject to the Checklist.
- C. Consideration and possible action regarding PT15-110, Preliminary Plat, Ferguson Addition, 1 lot, 5.80 acres, CH/SP 267, PUD 236, south of the Broken Arrow Expressway, one-eighth mile east of Elm Place. Kevin Vanover, Impact Engineer was present and in agreement with the Staff report. This item was approved, subject to the Checklist.

Motion by Carolynne Isbell-Carr to approve Consent Agenda, per Staff recommendations. The motion was seconded by Fred Dorrell.

Yes: Isbell-Carr, Whelpley, Dorrell, Jones
No: None
Abstain: None
Motion approved.

Ricky Jones said Item 4B would be heard by City Council on July 21, 2015 at 6:30 p.m.

5. **CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**

None.

6. **PUBLIC HEARINGS**

- A. Public hearing, consideration, and possible action regarding BACP 145 and BAZ 1938, 201 W. Commercial Parking Lot, 0.40 acres, Level 2 to Level 5 and R-3 to DM, southwest corner of Ash Avenue and Commercial Street

Brent Murphy said BACP 145 is a request to change from Level 2 to Level 5. In conjunction with this case, BAZ 1938 is a request to rezone the property from R3 to DM zoning. They wish to construct an asphalt parking area to serve residents at The 222 @ District as well as patrons of the Rose District. An additional seven parking spaces will be created along Commercial Street. Per the Zoning Regulations, landscaping and walls/fencing will be required along Commercial Street. Additionally, landscaping and an eight foot opaque wall/fence will be required along the west boundary and requested for a portion of the southern boundary that is adjacent to residential property. Parking structures are not an allowed use within R3 zoning districts but are allowed

- 6A. within the DM zoning district. The DM district is in accordance with the Comprehensive Plan, Level 5, but not Level 2.

There is a historic tree on the northeast corner of the property and the applicant and contractors have been informed not to disturb this tree and use extreme caution when working around this tree.

The Downtown Advisory Board (DAB) heard these cases at the May 12, 2015 meeting and recommended approval subject to the conditions that parking lot lighting be in accordance with the Zoning Ordinance and opaque screening along the west property line and a portion of the south property line adjacent to residential uses be provided in accordance with the Zoning Ordinance. Staff met with one of the adjacent residential property owners who have an existing picket fence on the west property line and they requested a slight modification to retain the picket fencing and start the opaque fencing where the picket fence stops. Staff recommended approval with this minor modification.

Steven Watts, Ross Group, 10159 11th Street, Tulsa, Oklahoma, representing the developer, requested approval of BACP 145 and BAZ 1938 without the recommended changes by the DAB. He said parking lot lighting was not required by the Zoning Ordinance, but said they were installing underground conduit for lighting in the future. When lighting is installed, it will be in compliance with Broken Arrow requirements of the Zoning Ordinance. Although there are two light pole locations shown on the site plan, those are just placeholders for future installation.

Regarding the opaque screening on a portion of the south property line, Mr. Watts said AVB Bank parking lot is immediately south of the subject property and only a portion of the southern line abuts residential. He said based on how other lots are being rezoned to commercial zoning in this area, this lot to the west will most likely end up with commercial mixed use zoning.

The DAB also suggested the entrance for the parking lot be moved to the alley. The Downtown Master Plan calls for entrances through the alley for residential parking; however, this is commercial parking. The applicant requested to retain the entrance on Ash Avenue and have this suggestion be removed.

Michael Skates said currently there was opaque fencing along the west boundary, but it was in poor repair. There are also two long buildings that appear to be apartments in this area. He said originally wrought iron fencing and landscaping was proposed for the south property line.

Lee Whelpley said the DAB's reasoning for requesting opaque screening along a portion of the south line was to protect the current residents from vehicle headlights.

Ricky Jones opened the public hearing and asked if anyone wished to speak on Item 6A.

Ernest Amthamaten, 215 W. Commercial, was in agreement with the applicant not placing opaque fencing on the northern portion of the west property line where picket fencing currently exists.

Ricky Jones closed the public hearing. Discussion continued.

- 6A. **Motion** by Fred Dorrell to recommend approval BACP 145 and BAZ 1938, with lighting installation being deferred and wrought iron fencing on the full south property line and opaque fencing on the west up to the picket fencing. The motion was seconded by Carolyn Isbell-Carr.
Yes: Isbell-Carr, Whelpley, Dorrell, Jones
No: None
Abstain: None
Motion approved

Ricky Jones said Item 6A will be heard by the City Council on July 21, 2015, at 6:30 p.m.

- B. Public hearing, consideration, and possible action regarding BACP 146, Elm Ridge Crossing II, 19.64 acres, Level 2 to Level 3, one-quarter mile south of Omaha Street, east of Elm Place.

Ricky Jones said the applicant requested a continuance of this case until July 23, 2015 meeting. He stated he had a potential conflict of interest and he would not be discussing or voting on the matter. Mr. Jones left the room.

Fred Dorrell asked if there was a motion to continue BACP 146 until the July 23, 2015 Planning Commission meeting.

- Motion** by Lee Whelpley to continue Item 6B to the July 23, 2015 Planning Commission meeting, per the applicant's request. The motion was seconded by Carolyn Isbell-Carr.
Yes: Isbell-Carr, Whelpley, Dorrell, Jones
No: None
Abstain: None
Motion Approved

Fred Dorrell said Item 6B will be heard by the Planning Commission on July 23, 2015, at 5:00 p.m.

- C. Public hearing, consideration, and possible action regarding PUD 238 and BAZ 1939, OK Transmissions, 1.03 acres, CH to PUD 238/IL, located west of the southwest corner of Albany Street and Aspen Avenue

Brent Murphy presented the background for PUD 138 and BAZ 1939 which is a request to rezone this property from CH to IL and has been submitted in conjunction with PUD 138. The property is platted as part of Dobbs Park. The applicant wishes to construct an automotive transmission shop. This use is not allowed in the CH district but is a permitted use in IL zoning. The Comprehensive Plan is currently Level 6 and will allow this proposed use within Level 6. Based on the Comprehensive Plan, the location of the property and surrounding land uses, staff recommended PUD 138 and BAZ 1939 be approved as presented.

David Center, 208 W New Orleans Street, applicant, said he was in agreement with Staff recommendations.

- 6C. Ricky Jones opened the public hearing and asked if anyone wished to speak on Item 6C. There were no other inquiries. Ricky Jones closed the public hearing.

Motion by Fred Dorrell to approve Item 6C, per Staff recommendations. The motion was seconded by Lee Whelpley.

Yes: Isbell-Carr, Whelpley, Dorrell, Jones

No: None

Abstain: None

Motion approved

Ricky Jones said Item 6C will be heard by the City Council on July 21, 2015, at 6:30 p.m.

- D. Public hearing, consideration, and possible action regarding PUD 239 and BAZ 1940, Oak Grove Estates, 13.04 acres, A-1 to PUD 239/RS-2, located one-quarter mile south of the southeast corner of Jasper Street and Garnett Road

Brent Murphy presented PUD 239 and BAZ 1940 which is a request to rezone from A-1 to RS-2. The property is currently unplatted and undeveloped and was recently annexed into the City of Broken Arrow. All surrounding properties are located within the unincorporated areas of Tulsa County. The applicant wishes to develop a 15 single family residential lot subdivision for a gated development with private streets. They are requesting the reduction of street widths from 26 feet to 24 feet. It is Level 2 within the Comprehensive Plan and the RS-2 zoning is in compliance with the Level 2. Staff recommends approval of PUD 239 and BAZ 1940 subject to the property being platted and some modifications to the design statement. The applicant is in agreement with staff recommendations and will make the requested modifications to the design statement.

Ricky Jones said there were no sanitary sewer lines in this area and confirmed they would need to get permits from Oklahoma Department of Environmental Quality for septic systems for this subdivision.

Roy Johnsen, 1 West Third, Tulsa, Oklahoma, attorney for the applicant, S & C Partners, and Chris Johnson, were present. He noted there was a drainage question to be dealt with and that would be part of Reserve Area A.

Ricky Jones opened the public hearing and asked if anyone wished to speak on Item 6D. There were about 18 people in the audience.

Fred Perry, 11404 E 133rd Street, Broken Arrow, President of the HOA for Park at Oak Grove, just north of this development, said it sounds like a good development. If they cannot sell as quickly as they wish, are they going to attempt to change to more, smaller lots, and will there be any recourse? Ricky Jones said the PUD runs with the land and if they wish to make changes, a public hearing to amend the PUD and lot splits process would be required.

6D. Lewis Beck, 11601 E 136th Street South, Broken Arrow, Oklahoma, said he was concerned about water issues. He also expressed concern if the land was not fenced, there would be an increase in animals, children, ATV's, etc. in the area. Ricky Jones said a hydrology analysis would be required and reviewed by staff. He said he could not address the kids, animals, and ATV issue as it was not something the Commission addressed.

Ron Gibson, 13305 S 117th E Avenue, Broken Arrow, Oklahoma, asked if the water line would come down 139th Street and has the city looked at the support services for police, fire and ambulance services. Michael Skates said because this property was annexed into the city, they would have City police and fire services. The first line of response, for unincorporated areas, is the county; however, there are inter-governmental agreements that allow them to respond in emergencies. If it is a non-emergency situation, there might be a longer wait time for unincorporated areas. Any adjacent areas that wish to develop will be required to be annexed. The waterline is along Garnett Road and will be extended to the south and looped through the property with appropriate fire hydrants.

Jimmy Lindsay, 11503 E 133th Street South, Broken Arrow, Oklahoma, said he has a water well on his property and expressed concern about the placement of septic systems being too close to his well. He also said he had concerns about water drainage from Garnett Road onto his property. He was concerned that he could not get City water. Michael Skates said Mr. Lindsay can get City water by tying into and extending the 12 inch line. Mr. Skates said detention issues would be discussed with the engineering submittals.

Ricky Jones closed the public hearing.

Motion by Lee Whelpley to approve Item 6D, per Staff recommendations. The motion was seconded by Fred Dorrell.

Yes: Isbell-Carr, Whelpley, Dorrell, Jones

No: None

Abstain: None

Motion approved

Ricky Jones said Item 6D will be heard by the City Council on July 21, 2015, at 6:30 p.m.

7. APPEALS

A. None.

8. GENERAL COMMISSION BUSINESS

A. None.

9. REMARKS, INQUIRIES AND COMMENTS BY PLANNING COMMISSION AND STAFF - (NO ACTION)

None.

10. ADJOURNMENT

At 6:05 p.m., motion by Carolyne Isbell-Carr to adjourn. The motion was seconded by Lee Whelpley

Yes: Isbell-Carr, Whelpley, Dorrell, Jones

No: None

Motion approved.