



City of Broken Arrow
Minutes
Planning Commission

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

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

Thursday, October 27, 2016 **5:00 PM** **Council Chambers**

1. Call To Order

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

2. Roll Call

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

Absent 1 - Carlyne Isbell-Carr

3. Old Business

A. Approval of Planning Commission meeting minutes of September 22, 2016

Fred Dorrell said since a Commission Member is absent, the item will need to be postponed through a motion.

MOTION: by Lee Whelpley to continue Item 3A., minutes of the September 22, 2016 Planning Commission meeting, to the next Planning Commission meeting. The motion was seconded by Mark Jones.

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

Absent: 1 - Carlyne Isbell-Carr

4. Consideration of Consent Agenda

Staff Planner, Amanda Yamaguchi presented the Consent Agenda items.

Fred Dorrell explained the Consent Agenda process and asked if anyone wished to remove any items for discussion. No one responded.

A. Approval of Planning Commission meeting minutes of October 13, 2016

MOTION: by Ricky Jones to approve Items 4A and 4B, per Staff recommendations. The motion was seconded by Lee Whelpley.

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

Absent: 1 - Carlyne Isbell-Carr

B. Consideration and possible action regarding PT16-107, Preliminary Plat, Aspen Meadows a re-plat of Reserve I and a part of Lot 1, Block 4 Aspen Park Village, 18.72 acres, R-3, CH, and PUD 118A to RM/PUD-118E, one-quarter mile north of Kenosha Street, one-quarter mile east of Aspen Avenue

MOTION: by Ricky Jones to approve Items 4A and 4B, per Staff recommendations. The motion was seconded by Lee Whelpley.

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

Absent: 1 - Carolyne Isbell-Carr

5. Consideration of Items Removed from Consent Agenda

None

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

6. Public Hearings

A. Public hearing, consideration, and possible action regarding BAZ-1964, Golzar Trust Property, 3.00 acres, R-1 to ON, south of Kenosha Street, one-half mile west of Olive Avenue

Staff Planner, Amanda Yamaguchi presented item 6A saying, BAZ-1964 is a request to change the zoning designation on 3.00 acres from R-1 (Single-Family Residential) to ON (Office Neighborhood). This unplatted property consists of two lots, and is located south of Kenosha Street, one-half mile west of Olive Avenue.

Ms. Yamaguchi said there have been two previous rezoning requests for office neighborhood use on this property -both were denied due to protests from surrounding neighborhoods. The applicant conducted a meeting with the surrounding property owners on September 8, 2016 regarding the property owners concerns with this zoning change request. The topics of discussion were detailed and provided in the Staff report.

Amanda Yamaguchi said, Staff received a letter of protest via snail mail, and a copy of this letter was provided to the Commission Members. She said based on the Comprehensive Plan and the location of the property, Staff recommends BAZ-1964 be approved, subject to the property being platted and any existing structures be demolished or brought up to commercial building code standards.

Fred Dorrell asked if the applicant was present and in agreement with Staff recommendations.

Stephanie Milburn, 616 S. Boston Avenue, Ste. 300, Tulsa, said she is the representative for the applicant, David Golzar, the Trustee of the Golzar Trust.

Ricky Jones asked Ms. Milburn how many neighbors were present at the neighborhood meeting. Stephanie Milburn said between 10 and 12.

Ricky Jones asked Ms. Milburn if most of the concerns and issues were addressed and if the attendees seemed agreeable to what was discussed.

Stephanie Milburn said, in her opinion, a lot of the concerns were about the uncertainty of what is planned to be developed on this site and how it will affect them. Ms. Milburn said they do not have a specific project in mind. She said she believes the main concerns have been addressed or are addressed with the current zoning ordinances that are in

place. The ON zoning details were discussed with the attendees of the meeting. The concern regarding traffic may not have been discussed at the meeting; however, the traffic, if this area were developed, would provide ingress and egress onto Kenosha. Traffic will never go into the neighborhood unless they turn into the neighborhood from Kenosha.

Ricky Jones said Kenosha is a main arterial road designed to handle the traffic.

Stephanie Milburn said there is existing commercial development down the street in both directions so this office neighborhood of two lots should not make a substantial traffic difference.

Ricky Jones said it sounds like important issues, such as the zoning code were addressed at the neighborhood meeting. He said the zoning code provides safeguards such as screening, setbacks, and those type of issues. He asked if these type of issues were discussed at the meeting.

Ms. Milburn said there were concerns voiced regarding the height of structures and the privacy concerns associated with that. She said the screening will be addressed by tall fencing, and foliage, per requirements, in addition to setbacks and other items required with this type of zoning.

Ricky Jones asked Staff if this property has always been Level 2 of the Comprehensive Plan. He said it appears this property has always been designated as Level 2 and ON is in conformance with this Level of the plan. Staff indicated that this property has been Level 2.

Fred Dorrell opened the public hearing item for BAZ-1964 and noted the Planning Commission has received one letter of opposition.

Mike Morgan, 1301 N. Yellowwood, said he is an attorney, representing himself and the Union West Neighborhood Homeowners Association. He said this HOA has had no discussions with the applicant. He said they object to this rezoning application because it is a variance to the R-1, single-family residence assigned zoning; there is no compelling need for office space, as there are vacant office spaces currently available down the road from this location. He voiced concerns regarding air pollution and noise that will be caused by construction of this site as well as increased traffic and safety associated with the increase. He said if commercial use is allowed at this location, traffic lights need installed.

Cliff McArsel, 812 N. Willow Ave., said he is the President of the Union West II Homeowners Association and is speaking as a member. He voiced concerns regarding light, noise pollution, height of buildings, business hours of operation and drainage. He said a lot of the upset about this application is not knowing what will be built at this location. He asked if the structures will contain multiple offices; if they will be a specific height; where they will be laid out on the property. He asked if this property will lower

the property values of surrounding homes.

Fred Dorrell said the biggest concern is not knowing what will be built on this property. He asked Mr. McArsel if a PUD were to be done on this property, if it would change the input and thoughts about this area developing.

Farhad Daroga said the zoning has several layers and a PUD is an overlay district upon zoning that determines the dimensions and criteria for development. In this case, the property has an option to do a PUD; however, they still do not know the use. He said the ON zoning should be analyzed further and that the City zoning ordinance defines ON use which are basically office uses only. They are not commercial/retail uses. Offices uses are less intense with less traffic and less hours of operation than commercial uses.

Cliff McArsel asked if there are specifics on the restrictions of hours of operation, lighting and fencing and landscaping.

Farhad Daroga said yes, there is criteria in the zoning ordinance that require office neighborhood zoning to be screened, landscaped, setbacks and light control. Hours of operation are not listed for any type of development; however, can be done through a PUD. He said most offices, in this corridor, operate beyond 7 or 8 in the evening and most are not open more than 5 or 6 days a week. Generally, offices are not 24 hour operations.

Mr. McArsel said there are no commercial/retail developments within one-half mile, in any direction of this location. He said if this rezoning were approved, it would and this development would be surrounded by houses.

Ricky Jones asked if a mini storage exists to the east of this property.

Farhad Daroga said there is commercial zoning on the east side of the neighborhood, as well as northeast of the neighborhood. The scenario here is that the comprehensive plan looks at properties that were built many years ago on major arterial streets. This property is on a primary arterial street. The first zoning application for this property, for the east side, was done in 2000 and this property has been for sale a few times since then. The City and Commission must look at this area and ask if it is appropriate R-1 zoning. This property has been on the market for some time. He said the west side of the property has a home that was built in the early to mid-1980's, the east side was built 20 years prior to that and has a house on it that is more dilapidated than the west one. If the property is maintained as residential the property will dilapidate.

Fred Dorrell asked if anyone else wished to speak on this item.

Tony Ford, 709 N. Yellowwood Avenue said his property is directly south of the property requesting the zoning change. He said he wants this property to remain single-family residential.

Fred Dorrell asked if anyone else wished to speak to item, BAZ-1964. No one responded. He closed the public hearing and asked if the applicant wanted to respond to the concerns voiced.

Stephanie Milburn said a lot of the concerns are addressed in the zoning code and these pieces of property will not stop trying to be developed. She said the two pieces of property are unique in their proximity to an arterial street, Kenosha. Kenosha has a lot of development and this property owner will develop this property in accordance with the zoning and in accordance with being a good neighbor to these neighbors. She said this property owner does not have a particular project in mind but understand the parameters placed on it.

Ms. Milburn said she does not want to ask for a continuance, at this time, in order to acquire a PUD; however, any recommendation that the Commission has will be taken into consideration by the property owner and be sure to abide by them.

Mark Jones asked if this type of zoning has any height requirements and if they are different from residential height requirements. Farhad Daroga said the height requirement for ON is the same as residential.

Mark Jones said if this area was developed for residential use than the height of homes could be affecting the property that surrounds these houses the same way.

Michael Skates said the ON district has specific criteria for height, setback and other items. The look is usually similar to the surrounding houses.

Mark Jones asked if this zoning changes to ON, if this change will not allow a ten story building. Michael Skates said no it would not.

Ricky Jones said he is comfortable with the ON designation. He said the setbacks and height limitations and feels there are adequate safeguards within this designation. He said he would be more comfortable with a PUD; however, the applicant does not know what they want to do. They don't know the uses or where they want there to be and if we ask for a PUD they will have come back with a revision once they do decide what they want to do.

Conversation continued.

MOTION: by Ricky Jones to approve, BAZ-1964, per Staff recommendation. The motion was seconded by Mark Jones.

After the vote, Fred Dorrell said this item will be heard by City Council on November 7, 2016, at 6:30 p.m. He said if anyone wants to speak at the Council meeting, a form must be filled out stating this request.

Michael Skates told Ms. Milburn to note that when this item goes to City Council it will be

on General Business rather than Consent. He said having it under General Business will be similar to this meeting and require Staff to speak to Council about this item and then she will have the opportunity to speak.

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

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Absent: 1 - Carolyne Isbell-Carr

Absent: 1 - **Carolyne Isbell-Carr**

7. Appeals

8. General Commission Business

A. **Consideration and possible approval of the 2017 Planning Commission meeting and calendar schedule**

Farhad Daroga said Staff is recommending approval of the 2017 Planning Calendar. He said, as discussed a few months ago, Staff recommends the same meeting schedule of alternate Thursdays at five o' clock except for the month of November and December. A draft copy of the 2017 meeting calendar showing the cutoffs and meeting dates has been provided to the Commission.

MOTION: by Ricky Jones to approve the 2017 meeting calendar, as presented. The motion was seconded by Lee Whelpley.

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

Absent: 1 - **Carolyne Isbell-Carr**

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

10. Adjournment

MOTION: by Mark Jones to adjourn (at 5:33 p.m.). The motion was seconded by Ricky Jones.

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

Absent: 1 - **Carolyne Isbell-Carr**