



City of Broken Arrow

Minutes Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

Chairperson Lee Whelpley
Vice Chairperson Jaylee Klempa
Commission Member Robert Goranson
Commission Member Jonathan Townsend
Commission Member Heather Canard

Thursday, May 12, 2022

Time 5:30 p.m.

Council Chambers

1. Call to Order

Vice Chairperson Jaylee Klempa called the meeting to order at approximately 5:30 p.m.

2. Roll Call

Present: 3 - Heather Canard, Jaylee Klempa, Robert Goranson
Absent: 2 - Lee Whelpley, Jonathan Townsend

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

- A. 22-580 Approval of Planning Commission meeting minutes of April 14, 2022
 - B. 22-596 Approval of Planning Commission meeting minutes of April 28, 2022
 - C. 22-585 Approval of BAL-2163CB (Lot Consolidation), Borgstrom Property, 1 Proposed Lot, 2.13 acres, R-2 (Single-Family Residential), located approximately one-half mile south of Jasper Street (East 131st Street), one-half mile west of South 9th Street (Lynn Lane/South 177th East Avenue) at 405 East Shreveport Street
 - D. 22-582 Approval of BAL-2164 (Lot Split), Creek 51 Business Park Lot 4A, Block 1, approximately 10.86 acres, IL (Industrial Light)/PUD-204 (Planned Unit Development), one-quarter mile west of 37th Street (209th East Avenue), one-quarter mile north of Washington Street (91st Street), northwest of the Creek Turnpike
 - E. 22-583 Approval of BAL-2167CB (Lot Consolidation), 4808 W. Natchez Street, 1 Proposed Lot, 0.53 acres, RS-2 (Single-Family Residential)/PUD-239 (Planned Unit Development), located one-quarter mile south of Jasper Street (131st Street), east of Garnett Road
- Staff Planner Micah Snyder presented the Consent Agenda. He noted the applicants were in agreement with the Staff Reports.

Vice Chair Klempa 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. She asked if there were any items to be removed from the Consent Agenda for discussion; there were none.

MOTION: A motion was made by Robert Goranson, seconded by Heather Canard.

Move to approve the Consent Agenda

The motion carried by the following vote:

Aye: 3 - Heather Canard, Robert Goranson, Jaylee Klempa

5. Consideration of Items Removed from Consent Agenda

There were no Items removed from the Consent Agenda; no action was taken or required.

6. Public Hearings

- A. 22-574 **Public hearing, consideration, and possible action regarding SP-308, 330 S 5th Pl, 0.20 acres, request for a Specific Use Permit for a Type 2 Short Term Rental, located one-eighth mile north of Houston Street (81st Street), one-quarter mile west of 9th Street (177th E. Avenue/Lynn Lane Road)**

Mr. Snyder reported SP-308 was a request for a Specific Use Permit for a "Type 2" Short Term Rental on property located one-eighth mile north of Houston Street (81st Street), one-quarter mile west of 9th Street (177th E. Avenue/Lynn Lane Road) at 330 South 5th Place. He stated the property was platted as Lot 8, Block 5, East Haskell Addition, and zoned R-2 (Single Family Residential). He noted this item was continued from the April 28th Planning Commission meeting. He reported Type 2 Short Term Rentals were allowed in the R-2 zoning district with a Specific Use Permit approved by the City Council. He stated a short term rental license was required for each year of operation. He explained with a Type 2 Short Term Rental, up to six individuals or two families were permitted to stay up to 30 days; one guest room may be permitted for each 2,000 square feet of lot area, up to a maximum of four guest rooms. He noted according to Tulsa County Assessor records, the three-bedroom house

associated with SP-308 contained 8,906 square feet of lot area; the house was built in 1955 and contained 1,339 square feet of livable space. He explained with Type 2 Short Term Rentals, one parking space was required for each room, as well as one space for the owner-operator; consequently, four parking spaces were required. He stated this structure had a garage and a driveway providing at least four spaces; in addition, there was the possibility of on-street parking for the owner only.

Mr. Snyder reported the applicant submitted information regarding the plan to screen potential short term renters and to monitor renter activity while in residence. He explained short term rental applicants of this property must be at least 25 years old; all guests would have a background check which consisted of verifying with U.S. databases for criminal records as well as state and national sex offender registries; the property owner would also personally message each guest prior to accepting a reservation to ask what they were in town for, how many guests would be accompanying them, and confirm they agreed to house rules; reservation requests would be declined should any red flags appear during this vetting; and only approved guests were allowed, and no parties or gatherings were permitted. He stated in addition, the property owner intended to have security cameras, as well as a noise monitor. He noted the noise monitor also had the ability to detect the number of mobile devices on the property. He stated no parking in the yard was allowed, and guests may not park in the street per the applicant's rules.

He stated based on the Comprehensive Plan, the surrounding land uses, the location of the property, and requirements of the Zoning Ordinance, Staff recommended SP-308 be approved subject to the following: SP-308 shall be only for the current property owner; if ownership of the property changed, the Specific Use Permit for a short term rental shall expire.

The applicant, Jen Teffer, indicated she was in agreement with Staff recommendations. She noted she opened communications with her neighbors and was putting into place multiple security measures.

Commissioner Heather Canard asked about Ms. Teffer's plans should a tenant need to be removed from the property.

Ms. Teffer explained she had a contract with a local security agency for tenant removal if necessary.

Vice Chair Klempa opened the public hearing.

Planning and Development Manager Jill Ferenc read comments submitted by Norma Jones (phone call) and Royce Grubb (email) who were both in opposition. Ms. Ferenc indicated the concerns included safety, type of individual renting, unfamiliarity with renters, and operating a business in a residential area.

Commissioner Goranson noted Ms. Teffer's screening process was excellent, Ms. Teffer lived close by and could easily respond to issues, and the permit would expire if Ms. Teffer sold the property. He asked if Ms. Teffer had spoken with the two neighbors who submitted concerns.

Ms. Teffer responded in the negative; she spoke with the neighbors immediately next door and those across the street. She stated she would be happy to reach out to the two neighbors who submitted concerns. She stated she understood the concerns. She noted the background check would work to eliminate any potential criminal element. She indicated she did not want any dangerous renters in the home to protect the neighborhood, as well as her property. She stated the screening process was very thorough with exacting standards; she further discussed her security measures.

Commissioner Goranson stated he appreciated Ms. Teffer's security measures.

Vice Chair Klempa stated she appreciated Ms. Teffer having a security company on hand in case of unruly guests.

Commissioner Canard noted there were a wide variety of uses for short term rentals including transitional housing while buying a home, temporary employment, etc.; short term rentals were not just for weekend visitors.

Ms. Teffer agreed noting she was speaking with a lawyer in Broken Arrow who was having his house built nearby and was looking for temporary housing until his home was completed.

Commissioner Goranson commented he understood doctors and nurses often needed temporary housing for work travel purposes.

Commissioner Canard noted the special use permit would expire with change of ownership;

however, the short term rental license renewed annually, and should there be excessive complaints or problems the license would not be renewed.

Ms. Ferenc concurred.

Vice Chair Klempa closed the public hearing.

Mr. Snyder noted renters could not rent a short term rental for more than 30 days.

Commissioner Goranson asked if a renter could rent a short term rental home for 60 days if the short term lease were renewed at the end of the 30 days.

Mr. Snyder stated he was unsure.

MOTION: A motion was made by Heather Canard, seconded by Robert Goranson.

Move to approve Item 6A per Staff recommendations

The motion carried by the following vote:

Aye: **3 -** Heather Canard, Robert Goranson, Jaylee Klempa

Vice Chair Klempa indicated this Item would go before City Council on June 6, 2022, at 6:30 p.m.; if any wished to speak regarding an Item at the City Council Meeting, a Request to Speak form would be required.

B. 22-575 Public hearing, consideration, and possible action regarding BAZ-2108 (Rezoning), Gorrell Property, 2.56 acres, A-RE (Annexed Residential Estate) to RS-1 (Single-Family Residential), one-half mile north of New Orleans Street (101st Street), one-eighth mile west of 23rd Street (193rd E. Avenue/County Line Road)

Mr. Snyder reported BAZ-2108 was a request to change the zoning designation on 2.56 acres from A-RE (Annexed Residential Estate) to RS-1 (Single-Family Residential). He stated the property was located one-half mile north of New Orleans Street (101st Street), one-eighth mile west of 23rd Street (193rd E. Avenue/County Line Road) and was not platted. He reported as a result of being annexed into Broken Arrow City Limits in November of 2001, the property’s current zoning designation was transitional Annexed Residential Estate. He noted with BAL-2168, the applicant also applied to split the lot into a 1-acre lot, and an approximately 1.5-acre lot. He explained according to Chapter 1 Section 4.B.7 of the Broken Arrow Zoning Ordinance, no new use may be commenced on unplatted property with transitional zoning without obtaining appropriate conventional zoning. He stated splitting the lot represented the potential for a new use due to there being only one residential home as well as a barn on the lot as presently configured. He indicated the request to rezone the property to a conventional zoning designation for the purpose of splitting the lot maintains compliance with the Zoning Ordinance. He stated additionally, due to the configuration of the lot split requested, the RS-1 zoning designation was most appropriate for lot frontage requirements of the Zoning Ordinance. He reported the property was designated as Level 1 in the Comprehensive Plan and the RS-1 zoning being requested was in accordance with the Comprehensive Plan in Level 1. He stated based upon the Comprehensive Plan, the location of the property, unique conditions associated with the property, and the surrounding land uses, Staff recommended BAZ-2108 be approved subject to the following: 1) Waiver of platting and 2) A 17.5-foot utility easement be provided along East 96th Street South for the whole frontage of the property.

The applicant, Bonnie Gorrell, indicated she was in agreement with Staff recommendations. She stated this application would bring the property back to its original zoning.

Vice Chair Klempa opened the public hearing.

Citizen Martha Schmidt noted she lived across the street from this property. She asked about the number of homes which would be built once the property was split.

Vice Chair Klempa explained the property was not being split at this time; the application was to rezone the property to RS-1.

Ms. Ferenc explained RS-1 zoning was single family residential and the minimum frontage for RS-1 was 85 feet; therefore, this property would only allow for two parcels.

Commissioner Goranson explained the maximum number of homes which would be allowed on this property would be two.

Vice Chair Klempa closed the public hearing.

MOTION: A motion was made by Robert Goranson, seconded by Heather Canard.

Move to approve Item 6B per Staff recommendations

The motion carried by the following vote:

Aye: 3 - Heather Canard, Robert Goranson, Jaylee Klempa

Vice Chair Klempa indicated this Item would go before City Council on June 6, 2022, at 6:30 p.m.; if any wished to speak regarding an Item at the City Council Meeting, a Request to Speak form would be required.

C. 22-577 Public hearing, consideration, and possible action regarding BAZ-2109 (Rezoning), Blue Bull Capital LLC Property, 1.05 acres, A-R-1 (Annexed Single-Family Residential) to R-2 (Single-Family Residential), north of Jasper Street (131st Street), one-half mile east of Aspen Avenue (145th E. Avenue) at 12952 South 152nd East Avenue

Mr. Snyder reported BAZ-2109 was a request to change the zoning designation on 1.05 acres from A-R-1 (Annexed Single-Family Residential) to R-2 (Single-Family Residential); the property was located north of Jasper Street (131st Street), one-half mile east of Aspen Avenue (145th E. Avenue) and was not platted. He stated as a result of being annexed into Broken Arrow City Limits in May of 2002, the property's current zoning designation was transitional Annexed Single-Family Residential. He stated with BAL-2165, the applicant also applied to split the lot into two approximately one-half acre lots for the purpose of constructing a new single-family residence on the north lot; the south lot currently had a single-family residence. He reported according to Chapter 1 Section 4.B.7 of the Broken Arrow Zoning Ordinance, no new use may be commenced on unplatted property with transitional zoning without obtaining appropriate conventional zoning. He stated splitting the lot represented the potential for a new use due to there being only one residential home on the lot as presently configured. He stated the request to rezone the property to a conventional zoning designation of R-2 for the purpose of splitting the lot and constructing a new single-family residence maintained compliance with the Zoning Ordinance. He noted the property was designated as Level 2 in the Comprehensive Plan; the R-2 zoning being requested was in accordance with the Comprehensive Plan in Level 2. He indicated based upon the Comprehensive Plan, the location of the property, unique conditions associated with the property, and the surrounding land uses, Staff recommended BAZ-2109 be approved subject to the following: 1) Waiver of platting. 2) A 17.5-foot utility easement be provided along Jasper Street (131st Street) and South 152nd East Avenue for the whole frontage of the property. He noted the applicant was not in attendance but was in agreement with Staff recommendations.

Commissioner Goranson asked if the City of Broken Arrow had a 17.5 foot easement on this property.

Mr. Snyder responded in the negative.

Vice Chair Klempa opened the public hearing.

Citizen Brian Moore discussed the history of the property and the problems with subdividing properties in the area. He stated he and his neighbors did not want the property to be further divided. He stated he did not mind the 1.25 acre lot; however, the trend was to buy the lot, split the lot, and sell the split portion to fund whatever building would be done on the property. He stated he and his neighbors did not like this trend. He stated he was concerned about increased density in the area. He stated he was concerned the property would continue to be split as new property owners purchased the newly split portions.

Vice Chair Klempa asked if properties could be split multiple times.

Ms. Ferenc explained the maximum lot split allowed for any property was a resultant three lots. She stated this property did not have enough frontage (70 feet per lot) for more than two lots.

Mr. Moore asked if the applicant had indicated why they wished to rezone the property.

Mr. Snyder responded the applicant wished to build a new single family home on the north side of the lot.

Mr. Moore stated this lot split would set an unwanted precedent.

Discussion ensued regarding the intentions of the applicant.

Commissioner Goranson explained if the rezoning were approved, the applicant would then apply for a lot split; the lot split would split the property into two lots and a single family home would be constructed in the new lot.

Mr. Moore stated he was opposed to this as this would be the only lot in his neighborhood which was split in this manner. He stated this lot had already been split once into a west and east lot. He noted the east lot was the lot being proposed to be split again.

Commissioner Goranson asked why Mr. Moore was opposed.

Mr. Moore explained he was opposed to the increased density and the change in the view from the golf course. He stated he was not opposed to a property being split once, but this lot had already been split once and should not be split again.

Citizen Maria Karimova Romanyuk discussed her concerns with continued lot splitting in her neighborhood, increased density, traffic increase on her narrow road, disturbed views, tree removal, increased neighborhood noise, construction noise, and reduced property sizes.

Vice Chair Klempa closed the public hearing.

Commissioner Canard asked if this property were split, would there be room for another split in the future.

Mr. Snyder responded in the affirmative.

Commissioner Canard asked if a lot split application had also been submitted.

Mr. Snyder responded in the affirmative.

Ms. Ferenc stated Level 2 was urban residential and had zoning categories considered compatible with urban residential, and R-2 was the least dense zoning district within Level 2. She stated she believed this was why the applicant pursued R-2 rezoning as opposed to RE, residential estate, which had a larger frontage requirement.

Commissioner Goranson asked about the tree removal Ms. Romanyuk had mentioned was for this lot.

Ms. Romanyuk responded in the negative.

Mr. Snyder stated he understood the applicant would leave the house to the south alone and use the north half acre for a new single family residence.

Commissioner Goranson indicated he wished the applicant were present.

Vice Chair Klempa agreed.

Mr. Snyder noted he was under the impression the applicant would have a representative present to answer questions.

Commissioner Goranson recommended this Item be continued until the next meeting to give the applicant a chance to be present for questions.

Vice Chair Klempa agreed.

MOTION: A motion was made by Robert Goranson, seconded by Heather Canard.

Move to continue this item to the May 26, 2022 meeting

The motion carried by the following vote:

Aye: 3 - Heather Canard, Robert Goranson, Jaylee Klempa

Vice Chair Klempa indicated this Item would be continued until the next Planning Commission Meeting.

- D. 22-584

Public hearing, consideration, and possible action regarding PUD-324B (Planned Unit Development minor amendment), Aspen Ridge, approximately 41.28 acres, CH (Commercial Heavy), RM (Residential Multi-Family), PUD-324A to CH (Commercial Heavy), RM (Residential Multi-Family), and PUD-324B, one-half mile south of Florence Street (111th Street), east of Aspen Avenue (145th East Avenue), north of the Creek Turnpike

Planning Section Manager Amanda Yamaguchi reported PUD-324B was a request for a minor amendment to PUD-326A to amend driveway locations, canopy setbacks, and increased landscaping on an approximately 41.28-acre site. She reported this property was located one-half mile south of Florence Street (111th Street), east of Aspen Avenue (145th East Avenue). She noted a preliminary plat for this site was approved by the Planning Commission on April 14, 2022. She indicated the minor amendment request was submitted in conjunction with the conditional final plat to allow for the slight change in location of

driveways onto Aspen Avenue. She stated the second paragraph under Access and Circulation standards for the Development Areas in PUD324-A shall be removed and replaced to read as follows: “Driveways along Aspen Avenue shall be as follows; One right-in/right-out driveway a minimum of 300 feet south of West Norfolk Drive, one right-in/right-out driveway a minimum of 200 feet north of West Norfolk Drive, and one full access driveway a minimum of 450 feet north of West Norfolk Drive. The full access driveway is not required to meet the 200-foot offset requirement from the access point on the west side of Aspen Avenue. Distances listed are from center of West Norfolk Drive to Center of the new access opening.” She reported additionally, minor modifications were requested to the setback for canopies only and increasing the landscaping requirement for Lot 1, Block 2. She stated under the Development Standards section, relating to Development Area B, a bullet point shall be added stating the following: “Front building setbacks for Block 2 Lot 1 shall be reduced to 7-feet solely related to canopy support(s) and overhang. This does not impact the 30-foot setback for buildings. Additional landscaping or decorative fencing will be required in the areas of reduced building setbacks. Minimum of 10 shrubs per 50-feet of frontage or 3-foot minimum height decorative fencing.” She stated Staff recommended PUD-324B be approved, subject to the property being platted.

Commissioner Goranson asked if there would be any discrepancy between the drawings and what was being proposed.

Ms. Yamaguchi explained the conditional final plat was under General Business tonight as the changes requested with this PUD were reflected on the plat. She stated the document being updated was current with the conditional final plat which would be reviewed later in the meeting.

Commissioner Goranson asked about the canopy and building setback.

Ms. Yamaguchi explained the building would still be required to setback 30 feet; the reduced setback was only for the canopy. She stated to mitigate the canopy being closer to the street, the City asked for increased landscaping on the street frontage.

The applicant, Brian Daniel with Oak Trust Development, indicated he was in agreement with Staff recommendations. He discussed the changes which would be made to the PUD through the minor amendment. He thanked City Staff.

Vice Chair Klempa noted no citizens signed up to speak regarding this Item.

MOTION: A motion was made by Robert Goranson, seconded by Heather Canard.

Move to approve Item 6D per Staff recommendations

The motion carried by the following vote:

Aye: 3 - Heather Canard, Robert Goranson, Jaylee Klempa

7. Appeals

There were no Appeals.

8. General Commission Business

A. 22-581 **Consideration, discussion, and possible approval of PT22-105, Conditional Final Plat, Aspen Ridge Business Park, approximately 41.40 acres, 11 lots, A-1 (Agricultural) and ON (Office Neighborhood)/SP-198 (Specific Use Permit) to CH (Commercial Heavy), RM (Residential Multi-Family), PUD-324A, one-half mile south of Florence Street (111th Street), east of Aspen Avenue (145th East Avenue), north of the Creek Turnpike**
Ms. Yamaguchi reported PT22-105, the conditional final plat for Aspen Ridge Business Park, proposed to have 11 lots on approximately 41.40 acres. She indicated the property, was located one-half mile south of Florence Street (111th Street), east of Aspen Avenue (145th East Avenue), north of the Creek Turnpike).

The applicant, JR Donelson representing Oak Trust Development, indicated he was in agreement with Staff recommendations. He noted he worked diligently with City Staff regarding this project.

MOTION: A motion was made by Heather Canard, seconded by Robert Goranson.

Move to approve Item 8A per Staff recommendations

The motion carried by the following vote:

Aye: 3 - Heather Canard, Robert Goranson, Jaylee Klempa

Vice Chair Klempa indicated this Item would go before City Council on May 17, 2022, at 6:30 p.m.; if any wished to speak regarding an Item at the City Council Meeting, a Request to Speak form would be required.

B. 22-595 **Consideration, discussion, and possible approval of BAL-2165 (Lot Split), Blue Bull Capital LLC Property, 1.05 Acres, north of Jasper Street (131st Street), one-half mile**

east of Aspen Avenue (145th E. Avenue)

Mr. Micah Snyder indicated this Item was the lot split companion item for the rezoning BAZ-2109 which was continued; this Item would also need to be continued.

MOTION: A motion was made by Robert Goranson, seconded by Heather Canard.

Move to continue this Item until the May 26, 2022 Meeting

The motion carried by the following vote:

Aye: 3 - Heather Canard, Robert Goranson, Jaylee Klempa

Vice Chair Klempa indicated this Item would be continued until the next Planning Commission Meeting.

C. 22-597 Election of a Chairperson for the Planning Commission for 2022-2023

Mr. Snyder reported pursuant to the Planning Commission bylaws, the Commission selected a Chairperson and a Vice-Chairperson annually; the Chairman would ask for nominations and the members of the Commission would respond. He stated if only one person was nominated, a motion would be made to appoint the person nominated to serve as Chairperson. He stated if more than one nomination were made for either position, each nomination would be voted on and a motion would then be made to appoint the person nominated. He asked for nominations.

MOTION: A motion was made by Robert Goranson, seconded by Heather Canard.

Move to appoint Jaylee Klempa to serve as Chairperson for the Planning Commission for 2022-2023

The motion carried by the following vote:

Aye: 3 - Heather Canard, Robert Goranson, Jaylee Klempa

D. 22-598 Election of a Vice-Chairperson for the Planning Commission for 2022-2023

Mr. Snyder asked for Vice Chairperson nominations.

MOTION: A motion was made by Jaylee Klempa, seconded by Heather Canard.

Move to appoint Robert Goranson as Vice Chairperson for the Planning Commission for 2022-2023

The motion carried by the following vote:

Aye: 3 - Heather Canard, Robert Goranson, Jaylee Klempa

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

There were no remarks, inquiries, or comments by Planning Commission and Staff.

10. Adjournment

The meeting adjourned at approximately 6:23 p.m.

MOTION: A motion was made by Heather Canard, seconded by Robert Goranson.

Move to adjourn

The motion carried by the following vote:

Aye: 3 - Heather Canard, Robert Goranson, Jaylee Klempa