



City of Broken Arrow

Minutes Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

Chairperson Robert Goranson
Vice Chair Jason Coan
Member Jaylee Klempa
Member Jonathan Townsend
Member Mindy Payne

Thursday, August 8, 2024

Time 5:30 p.m.

Council Chambers

1. Call to Order

Chairperson Robert Goranson called the meeting to order at approximately 5:30 p.m.

2. Roll Call

Present: 5 - Mindy Payne, Jaylee Klempa, Jonathan Townsend, Jason Coan, Robert Goranson

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

- A. 24-1063 Approval of Planning Commission meeting minutes of July 11, 2024
- B. 24-1057 Approval of PT-001629-2024|PR-000543-2023, Christian Brothers Automotive, Conditional Final Plat, 1.5 acres, 1 lot, A-1 (Agricultural) to CN (Commercial Neighborhood)/SP(Specific Use Permit) 001224-2023, one-eighth mile north of Albany Street (61st Street), west of 23rd Street (193rd E. Avenue/County Line Road)
- C. 24-1062 Approval of LOT-001621-2024 (Lot Consolidation), Madison Street Duplex Lot Consolidation, 2 lots to 1 lot, 0.23 acres total, RD Residential Duplex, located approximately one-quarter of a mile north of Kenosha Street (71st East Ave) and one-third mile east of Aspen Street (145th E Ave)
- D. 24-1073 Approval of PR-000577-2023|PT-001609-2024, Floral Haven Expansion, Preliminary Plat, 9.041 acres, 1 lot, A-1 (Agricultural) and R-1 (Single Family Residential), north of Kenosha Street (71st Street), one-quarter mile west of Olive Avenue (129th E. Avenue)
Chairperson Goranson asked if there were any Items to be removed from the Consent Agenda.

Planning and Development Manager Amanda Yamaguchi asked to pull Item 4D for discussion.

MOTION: A motion was made by Jaylee Klempa, seconded by Mindy Payne.

Move to approve the Consent Agenda less Item 4D

The motion carried by the following vote:

Aye: 5 - Mindy Payne, Jaylee Klempa, Jonathan Townsend, Jason Coan, Robert Goranson

5. Consideration of Items Removed from Consent Agenda

Ms. Yamaguchi reported PR-000577-2023|PT-001609-2024, the preliminary plat for Floral Haven, proposed to have 1 lot on 9.041 acres. She stated the property was located north of West Kenosha Street (East 71st Street South), and one quarter mile west of South Olive Avenue (South 129th East Avenue); this property was currently unplatted. She reported PT-001609-2024 was a proposed preliminary plat, which was designed to support the expansion of Floral Haven. She explained the existing lot did not meet the frontage requirement for the A-1 zoning district, which was 330 feet. She stated right now, the site had approximately 75 feet of frontage onto Kenosha Street, as well as 50 feet of frontage onto W. Queens street, which was a stub street from the residential neighborhood to the west. She stated BAZ-001334-2024 and SP-001335-2024 was discussed by City Council on April 16th, May 7th, May 21st, and June 17th, 2024, where it was tabled indefinitely. She stated this did not affect the platting of this parcel, but it did mean that even if this parcel were platted, it would not support the expansion of Floral Haven until the property was rezoned, and a specific use permit was approved. She stated the Preliminary Plat was only a 9.041 acre portion of the existing parcel and if PT-001609-2024 were approved, it would create a 21.089 acre remainder parcel, which only had frontage onto the stub street to the residential neighborhood to the west; this would increase the nonconformity. She stated if the parcel were to be consolidated with the property to the east, which was now currently in use as Floral Haven, the lot would no longer be non-conforming. She noted any necessary right-of-way and utility easements could be dedicated by separate instrument as a condition of the lot consolidation. She stated according to FEMA maps, a portion of the property, which was currently not included in this plat, was in a 100-year floodplain area. She noted water and sanitary sewer

service were available from the City of Broken Arrow. She indicated this item was reviewed by the Technical Advisory Committee on July 30, 2024. She stated Staff recommended PR-000577-2023|PT-001609-2024, preliminary plat for Floral Haven, be denied. She stated due to the pending review of the Rezoning and Specific Use Permit applications by City Council, Staff recommended a lot consolidation be considered by the City Council in conjunction with BAZ-001334-2024 and SP-001335-2024.

The applicant, Lou Reynolds, stated the applicant and City Staff were in between a rock and a hard place, but were not in disagreement in substance. He stated City Council expressed it would not approve any waivers in association with this Special Use Permit. He stated he believed Floral Haven was close to having its issues resolved with City Council and he was trying to be in a position to move forward once those issues were resolved. He asked for approval of the preliminary plat subject to any conditions imposed by the City Council.

Chair Goranson asked if the lot was currently nonconforming.

Ms. Yamaguchi responded in the affirmative.

Chair Goranson asked if approving what the applicant wished would bring the lot into conformance.

Ms. Yamaguchi responded in the negative; approving this application would increase the nonconformity of the lot.

Chair Goranson stated it was policy not to increase nonconformity of a lot.

Mr. Reynolds stated he understood, but moving forward the lot would come into conformance through the final plat.

Ms. Yamaguchi stated the only way to bring this lot into conformance would be to consolidate it with the adjacent parcel; there was no other way to get the required street frontage. She stated Staff recommended waiving the platting requirement on the condition this lot be attached to the parcel to the west.

Mr. Reynolds stated Floral Haven was agreeable to this, but just was not there yet. He stated this would comply and consolidation could be made a condition of this moving forward.

Ms. Yamaguchi stated typically a lot consolidation would come before Planning Commission for approval. She stated Staff was asking, since this project was already in process, for Planning Commission to recommend City Council take care of the lot consolidation along with everything else.

Commissioner Klempa asked if Planning Commission denied this application, would it then be all on City Council.

Ms. Yamaguchi responded in the affirmative.

Mr. Reynolds indicated contractually Floral Haven was in a tight place and was trying not to lose any time. He said he believed City Council meant waiver of plat, not waiver of fees, but it was not clear.

Chair Goranson asked if Staff agreed it was waiver of platting, not waiver of fees.

Ms. Yamaguchi responded in the affirmative. She stated Staff was planning to move forward on the next City Council meeting with the Special Use Permit and the rezoning, along with the lot consolidation. She stated by denying the preliminary plat Floral Haven could still move forward with the lot consolidation which would keep them on the same timeline. She stated the problem Staff had was the lot was currently nonconforming; by platting the lot in this way it would be even more nonconforming, so Staff had an issue with the plat. She stated Staff felt it was reasonable to consolidate the lot with the neighboring parcel and would not require platting.

Commissioner Klempa asked if denying this plat and recommending a plat waiver would be appropriate.

Assistant City Attorney Graham Parker responded this would only muddy the waters.

Mr. Reynolds requested this be approved subject to any conditions made by City Council, which would be to consolidate the lots.

Chair Goranson stated this would not work because then the Planning Commission would be approving a nonconforming lot.

Mr. Reynolds disagreed and asked for approval.

Ms. Yamaguchi explained a condition of the preliminary plat by Staff would be for it to meet the requirements of the zoning ordinance, which could not be done.

Vice Chair Jason Coan noted if this were approved, then there was nothing obligating the applicant to correct the situation later.

Ms. Yamaguchi stated if a condition of approval were to make it conform, then there would be obligation; however, Staff did not want to recommend something which could not be conforming.

Chair Goranson stated approving this application as submitted would compound the issue. He stated this should be fixed before it went to City Council with a recommendation for approval by Planning Commission.

Commissioner Klempa agreed.

Mr. Reynolds again asked for approval.

Discussion continued regarding whether it was appropriate to approve the application or deny the application.

MOTION: A motion was made by Mindy Payne, seconded by Jaylee Klempa.

Move to deny Consent Agenda Item 4D

The motion carried by the following vote:

Aye: 5 - Mindy Payne, Jaylee Klempa, Jonathan Townsend, Jason Coan, Robert Goranson

6. Public Hearings

A. 24-1067 **Public hearing, consideration, and possible action regarding BAZ-001618-2024 and PUD-001617-2024 (Planned Unit Development), a major amendment to PUD-000865-2023 Iron Buck Acres, 15 acres, A-1 to IL via (BAZ-000865-2023), generally located west of Oneta Road (241st E. Avenue) and north of Kenosha Street (71st Street)**

Senior Planner Chris Cieslak reported BAZ-001618-2024 and PUD-001617-2024 were requests to change the zoning on 45.84 acres of land from AG (Agricultural) to IL (Industrial Light) with a PUD major amendment for Iron Buck Acres located West of Oneta Road (241st E. Avenue) and north of Kenosha Street (71st Street). He stated this was a proposed Industrial Development, Commercial Office, Warehouse, and Mini storage. He reported on August 15th, 2023, City Council approved the rezoning of the southern two properties to CG and IL with a Planned Unit Development (PUD 865), subject to platting. He noted this application was to expand the approved PUD area to include the property to the north. He indicated in conjunction with the rezoning request, a comprehensive plan change to level 6 was approved by City Council in 2017, subject to the property being platted; on July 15th, 2024, City Council approved the Comprehensive Plan change for this PUD major amendment and Rezoning request from level 1 to level 6. He stated in PUD-001617-2024 the Iron Buck Acres development proposed to expand the approved PUD (Planned Unit Development) area to include the property to the north; this would create a master planned Commercial, Industrial, Warehouse, and Mini-storage development. He stated the development would include climate-controlled storage/office warehouse buildings. He noted buildings may include commercial, and office uses in the front, or climate-controlled storage/office warehouse use in the back. He stated the remaining buildings would be situated behind the proposed climate-controlled storage/office-warehouse facilities and would be regular outdoor accessible storage units. He indicated landscaping and reserve areas were proposed to be developed in accordance with IL (Industrial Light) and CG (Commercial General) zoning requirements except as modified by the PUD (Planned Unit Development). He stated the northern boundary would include an 8 foot to 10 foot opaque fence to screen the residential property. He stated the proposed development was designated as Level 6 (Regional Employment/ Commercial) in the Comprehensive Plan which supported the development of Industrial Light with a PUD, Commercial General, and Commercial Heavy. He stated based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended BAZ-001617-2024 be approved subject to the property being platted and PUD-001617-2024 major amendment be approved as submitted.

Chair Goranson noted the PUD indicated a 6 foot fence, while the recommendation by City Staff was for an 8 to 10 foot tall fence.

Mr. Bibelheimer stated the new PUD corrected the fence height to 8 to 10 feet. He noted to the north was residential property and it was felt an 8 to 10 foot high fence was more appropriate to screen the developments from the residents.

Ms. Yamaguchi noted typical code would require a masonry fence, but the applicant was requesting a wood fence with masonry columns every 80 feet.

The applicant, Mark Capron, Wallace Design Collective, stated the fence on the north side of the property was requested to be 8 to 10 feet high, and it would be built 8 feet high. He noted this site came through some time ago, and more property was acquired to the north and the PUD was carried through to make this a larger development.

Chair Goranson asked if everything else was staying the same with the PUD; this was simply adding more land to fall under the jurisdiction of the existing PUD.

Mr. Capron responded in the affirmative.

No citizens signed up to speak regarding this Item; Chair Goranson closed the public hearing.

MOTION: A motion was made by Jonathan Townsend, seconded by Mindy Payne.

Move to approve Item 6A per Staff recommendation

The motion carried by the following vote:

Aye: 5 - Mindy Payne, Jaylee Klempa, Jonathan Townsend, Jason Coan, Robert Goranson

B. 24-1086 Public hearing, consideration, and possible action regarding COMP-001531-2024 (Comprehensive Plan Change), Ven Park, A-1 (Agriculture) and R-2 (Single-Family Residential), 10.9 acres, Level 2 and 3 to Level 3, located one-quarter mile north of Kenosha Street (East 71st Street South) and one-quarter mile east of North Elm Place (North 161st East Avenue)

Staff Planner Henry Bibelheimer reported COMP-001531-2024 was a request to change the Comprehensive Plan designation from Level 2 (Urban Residential) and Level 3 (Transitional Area) to Level 3 for 10.9 acres located one-quarter mile north of Kenosha Street and one-quarter mile east of North Elm Place; the property was currently un-platted and undeveloped. He stated COMP-001531-2024 was on the Planning Commission agenda on June 27th, 2024, where it was continued to today's meeting. He stated during the meeting on June 27th Planning Commission had concerns which included wanting more detailed information, and a more detailed PUD document. He stated Staff worked with the developer to get a complete conceptual PUD ready to submit with COMP-001531-2024. He noted the details of this PUD were still conceptual in nature and subject to change. He explained if the comprehensive plan change was approved by City Council, there would be an additional public hearing to get into the details of the final PUD document. He stated the applicant was submitting this Comprehensive Plan change with the intention of applying for a rezoning to CM (Community Mixed-Use) with a Planned Unit Development (PUD). He indicated comprehensive plan level 3 labeled rezoning to CM as possible. He noted a Draft PUD was submitted, along with a conceptual layout of the proposed development. He explained the applicant proposed a residential development, with a variety of housing including Single Family Detached, Single Family Attached, Duplex, Cottage Court, and some commercial aspects in the form of Live/Work townhome style development. He stated Staff was still working with the applicant on the details of the PUD, which would be submitted if the comprehensive plan change is approved. He indicated the conceptual draft PUD submitted with this application had definitions for cottage court and live/work use categories, which were heavily influenced by the Downtown Residential Overlay District. He noted the primary access of this site was proposed to be off an extension of West Madison Street, which would pass through City owned property currently being used as a regional detention facility. He noted secondary access was still being discussed with potentially gated access south on to North Circle Drive, and a potential emergency access on the northwest corner of the property connecting to West Madison Street, after going north and west of the detention facility. He stated a stub street was proposed to be provided to the undeveloped property to the north. He indicated the conceptual layout submitted with this application was still subject to change. He stated this layout had a public street which gave frontage to all of the proposed lots, with additional access being provided from private alleys. He noted the final layout would have to meet all requirements in the zoning ordinance, Engineering Design Criteria, and the international fire code. He reported a community meeting was held Friday August 2nd from 4:45-5:45pm at the Broken Arrow Public Library, where modifications to the conceptual PUD were discussed. He noted some of the items addressed in the community meeting such as fencing, landscaping, and gating the southern access onto North Circle Drive have not been incorporated into the Conceptual PUD submitted for this application, but were expected to be updated before the public hearing for the rezoning/PUD. He stated according to FEMA's National Flood Hazard Layer, this property was located outside of the 100-year floodplain. He noted sanitary sewer and water were available from the City of Broken Arrow. He noted the surrounding properties and uses were in the Staff report. He stated based on the surrounding land use and comprehensive plan, Staff recommended COMP-001531-2024 be approved, subject to City Council approving a PUD similar to the conceptual PUD provided, and the property being platted.

Chair Goranson noted Mr. Bibelheimer indicated the applicant referenced the DROD, but this

property was north of the boundary of the DROD.

Mr. Bibelheimer stated a lot of the allowed uses, such as the live/work area, were taken from Mixed Use A in the DROD.

The applicant, Preston Bartley, stated since the last meeting he communicated with the surrounding neighbors and worked with Staff to try to address public concerns. He noted this presentation hopefully provided enough detail for the Planning Commission to understand the intentions of this development. He stated a number of modifications were made to address the neighbor's concerns, one of the biggest concerns was traffic into and out of the existing subdivision; this was addressed by gating the access and providing only emergency and pedestrian access. He stated there were a number of different housing types including single family along the east side of the property and the mixed use was moved to the west side of the property, away from the existing residential. He said the community meeting went well. He stated 16 families attended the community meeting. He said he was excited about where the project had landed.

Commissioner Townsend asked if the PUD updates were articulated to the 16 families during the community meeting.

Mr. Bartley responded in the affirmative. He stated there was a lot of discussion with the neighbors who had concerns about their current access, and he offered to leave the connection open to allow the neighbors to access Madison Street as a second access point, but the neighbors preferred to have the connection gated for emergency access only.

Commissioner Townsend asked about the change in the northeast corner of the property.

Mr. Bartley stated originally there was no loop road going around the detention pond to the north. He noted the detention pond was owned and operated by the City of Broken Arrow, and he was coordinating with Engineering and City Staff about providing this secondary access so a connection to Ash would not be needed. He stated fire requirements would be met.

Chair Goranson noted there would be no on site detention because the City-owned detention would be utilized. He stated he believed this went before the Drainage Advisory Committee for consideration.

Mr. Bartley stated he understood there were some existing concerns with the City-owned detention pond, and the City would improve the pond. He stated the developer would work with the City with the drainage calculations to ensure the improvements were made correctly and the development would not have any adverse impacts on the detention pond.

Chair Goranson asked what other concerns the neighbors had. He noted traffic was often a concern. He asked if drainage was a concern.

Mr. Bartley responded the neighbors to the south wanted to be sure the development would not flow any additional stormwater to their property. He stated the lots to the south would be drained to the north into the Madison right-of-way and to the pond. He stated there was some discussion about the landscaping buffer and what type of screening would be used. He noted in the PUD the fencing requirements and landscaping requirements would be written in keeping these concerns in mind.

Chair Goranson stated he understood this Item was a Comprehensive Plan change consideration, but he would ask questions about the conceptual layout when it was provided. He asked if school buses would have access.

Mr. Bartley responded in the affirmative.

Chair Goranson asked if the live/work area would have enough parking.

Mr. Bartley the live/work would be small mom and pop type businesses with low traffic. He stated the developer was still working through the parking; there may be some way to do angled parking as opposed to parallel parking to provide more spaces.

Vice Chair Coan stated the layout included a walking trail around the detention pond. He asked if the City would allow the developer to do this work around the pond.

Ms. Yamaguchi stated when the appropriate stage of development was reached a license agreement would need to go before City Council detailing exactly what would be done where, who would maintain what, etc., and these details would have to be approved by City Council. She noted this was something City Staff and the applicant were aware of.

Vice Chair Coan stated it looked like a lot of the concerns of the community members were addressed by the applicant.

Ms. Amanda Yamaguchi read a comment that was emailed in from Citizen Gaylon Pinc who had concerns regarding the proposed lots being much smaller than the existing lot sizes, the land use not being compatible with the neighboring land use, level 3 not being acceptable on this property as it was not next to an arterial street, and the intensity being too high for the property. She noted Citizens Claudia Taylor and Kasey Sewell were in opposition but did not wish to speak.

Citizen Wade Sewell was in opposition; he expressed concerns regarding traffic exiting onto Elm, excessive traffic in the area, traffic funneling down Madison, and the need for a traffic light in this area.

Citizen John Lindemann was in opposition; he expressed concerns regarding pickleball noise disruptions, lawsuit concerns with pickleball. He asked for the pickleball courts to be located elsewhere. He expressed concerns regarding the lack of landscaping in the PUD. He expressed concerns regarding the high density of the development, as well as parking near the pickleball courts. He asked for a pedestrian gate to be placed on Circle Drive.

Chair Goranson asked if Mr. Lindemann attended the community meeting to discuss his concerns regarding the pickleball courts.

Mr. Lindemann responded in the affirmative.

Citizen Susan Massie was in support. She thanked the developer for having a community meeting at which many questions were answered. She asked questions regarding construction hours and construction noise.

Assistant City Attorney Parker explained the City had a noise ordinance which would apply to construction noise.

Ms. Massie asked about the detention pond and whether it would be fenced.

Chair Goranson noted the detention pond was already in place and there were plans to improve it, so he did not know if there was a plan to put a fence around the area.

Ms. Yamaguchi responded typically detention facilities were not fenced as it created a barrier to water getting into the detention facility; however, decisions about such things would be made at a later date.

Ms. Massie asked how the housing prices, which were higher than the existing home prices, would affect her taxes.

Commissioner Klempa stated the Tulsa County Tax Assessor determined the tax value of a home; the Planning Commission could not.

Mr. Parker noted the Tulsa County Tax Assessor would send notice if taxes were increased and Ms. Massie would be given the opportunity to protest any increase.

Citizen Bryan Weneschlaeger was in opposition; he expressed concerns regarding density, the pickleball courts which would be in his front yard, his driveway and building fencing along the existing residential area.

Mr. Bibelheimer stated the current PUD submitted with this package indicated there was no fencing requirement, but the applicant committed to building a fence on the east and southern side where the property abutted single family residential.

Mr. Weneschlaeger stated there was a giant tree in front of his home with a 6 inch drop in topography. He asked if the developer intended to install a retaining wall across his front yard to level the topography for the pickleball courts. He indicated he liked the topography of his front yard, but it would be impossible to move the water from his front yard to the detention pond. He requested an environmental impact study be done for this property before development.

Citizen Wendelene Rios was in opposition; she expressed concerns regarding density, pickleball sound pollution, light disruption, and traffic.

Ms. Yamaguchi noted there was a question regarding the sign on the property which indicated CM. She explained if approved, the next step was the rezoning and PUD combination; the CM was for the next public hearing which would address the PUD and the rezoning specifically.

Mr. Bibelheimer stated the email Ms. Yamaguchi read referred to the Comprehensive Plan indicating Level 3 should be located adjacent to an arterial street. He clarified that “adjacent to an arterial street” was interpreted by Staff to mean “direct access to” and since Madison went directly to Elm, this property was considered adjacent to Elm.

Commissioner Klempa asked if there would be a through street to Madison from this development.

Mr. Nick Parker, Born Again Restored, the property owner, stated Madison would be the main entrance road for this development. He stated N. Birch Ave was north of the storage buildings and some of the light commercial and the development would also connect to N. Birch Ave., so traffic exiting would not all have to go down W. Madison.

Commissioner Klempa wanted to clarify that traffic would not go into the existing subdivision.

Mr. Parker concurred; the traffic would not go into the Kenwood subdivision; the stub street would be gated for emergency services only. He stated in regard to the lighting for the pool, there would be no added unnecessary lighting aside from the pool itself during operation hours and any lighting needed for safety purposes. He stated the pickleball courts would be pushed as far from the existing homes as possible within this greenspace to provide a buffer and he was willing to plant taller shrubs in the buffer space if PSO was willing to move its lines underground. He stated the landscape buffer on the southern border would help with sound. He noted if the residents were concerned about rirraff adjacent noise, he was willing to fence the area and make it inaccessible to the Kenwood residents.

Chair Goranson suggested putting up a fence and letting the HOAs decide whether to install a gate for the Kenwood residents.

Commissioner Payne asked if the Kenwood residents would be allowed to use the pool as well as the pickleball courts and other amenities.

Mr. Parker explained the pool would be a separate amenity only for this development’s use due to maintenance costs; the pool would not be open to the public and would have keyed entry. He stated the pickleball courts were easy to leave open for public use and it was agreed if the Kenwood residents wanted access to the pickleball courts, access could be left open, or it could be fenced off without pedestrian right-of-way.

Commissioner Townsend asked about the duplexes having a 1 car garage.

Mr. Parker noted the one car garage was intentional; the duplexes were smaller structures meant for young professionals and older residents. He noted there was also street parking throughout the development. He stated the development had many sidewalks, was designed with walkability in mind, and was designed with landscape buffers. He noted the single family attached and single family detached homes had two parking spaces as a minimum.

Mr. Bartley stated the site was divided into two parcels; one parcel was already Level 3; this application would bring both parcels to Level 3 intensity.

Chair Goranson noted about 70 percent of the site was already Level 3 and only about 30 percent was Level 2. He stated today’s hearing was to determine whether it would be acceptable to make the entire site Level 3 in the Comprehensive Plan.

Chair Goranson closed the public hearing.

Mr. Bibelheimer clarified that the Drainage Advisory Committee recommended funds be set aside to do a study of the detention pond facility to bring it into functionality; the funds which were set aside were to do a study of the facility.

Chair Goranson asked if this was a wet or dry pond.

Mr. Bibelheimer responded the detention pond was a dry pond.

Vice Chair Coan asked if there was a timeline on the study.

Mr. Bibelheimer responded in the negative; the recommendation still had to go before City Council, but due to the urgency of this development he expected the study would be done soon.

Commissioner Townsend asked if this study was separate from an environmental study.

Mr. Bibelheimer responded in the affirmative; environmental studies were not required per state statute.

Commissioner Townsend asked who would be responsible for meeting such a request as an environmental study.

Mr. Bibelheimer responded it would be up to the developer whether he wished to perform an environmental study. He stated there were no state or city standards for requiring an environmental study.

Chair Goranson noted an environmental study was a big process through NEIS.

MOTION: A motion was made by Robert Goranson, seconded by Jason Coan.

Move to approve Item 6B per Staff recommendations

The motion carried by the following vote:

Aye: 4 - Mindy Payne, Jonathan Townsend, Jason Coan, Robert Goranson
Abstain: 1 - Jaylee Klempa

Chair Goranson indicated this Item would go before City Council on August 20, 2024 at 6:30 p.m.

7. Appeals

There were no appeals.

8. General Commission Business

A. 24-1009

Consideration, discussion and possible approval of BLDC-021097-2024 request for Zoning Ordinance variance chapter 5.8.G.1 Building Facades, Bank of Oklahoma, 1.05 acres, located directly east of Aspen Avenue (145th East Avenue), directly north of Houston Street (81st Street)

Senior Planner Joel Hensley reported this façade variance request involved a 1.05 acre parcel located east of Aspen Avenue and north of Houston Street. He stated the property was currently occupied by a branch of the Bank of Oklahoma and was platted as Block 1 Lot 2 of Aspen Creek "Tract 0." He stated Section 5.8.G.1 of the Zoning Ordinance stated, "all new construction or renovation of existing structures... shall have vertical exteriors facing that are facing a public or private street constructed of, but not limited to: masonry, concrete panels, glass block, glass curtain walls, Exterior Insulated Finished Systems (EIFS), or stucco." He stated this section also provided authority to the Planning Commission to consider and approve metal finishes, wood, plastic, or other masonry material through the site plan review process. He explained the applicant was requesting approval by the Planning Commission to incorporate additional exterior building materials into the façade of the building associated with the Bank of Oklahoma remodel. He stated the existing building facade was approximately 3,842-square feet and faces Houston Street and Aspen Avenue; the proposed façade was a mixture of metal, masonry brick, curtain wall, and tile materials. He stated Staff recommended the Zoning Ordinance variance request for Bank of Oklahoma be approved as presented. He noted the applicant was not available.

Vice Chair Coan stated it was his understanding the intent for not allowing metal siding was to prevent the use of ribbed metal siding, but style and technology and design had changed and there were many modern looking facilities; over the years the Planning Commission had allowed waivers to be given. He asked if this was the same issue.

Mr. Hensley responded in the affirmative.

Commissioner Payne stated she liked the design and felt it looked nice. She said she felt this redesign would spruce up the intersection.

Commissioner Klempa agreed.

Chair Goranson noted Vice Chair Coan was correct, the City did not like to see the corrugated metal panels used as siding.

Vice Chair Coan noted corrugated metal panels were not presented with this variance request.

MOTION: A motion was made by Jason Coan, seconded by Mindy Payne.

Move to approve Item 8A per Staff recommendations

The motion carried by the following vote:

Aye: 5 - Mindy Payne, Jaylee Klempa, Jonathan Townsend, Jason Coan, Robert Goranson

B. 24-1055

Consideration, discussion, and possible approval of building elevations for SITE-001537-2024, Rose District Spa, 0.16 acres, DM (Downtown Mixed-Use)/Area 6 of the Downtown Residential Overlay District (DROD), located north of the northwest corner of West Broadway Avenue and South Main Street at 106 North Main Street

Mr. Bibelheimer reported a site plan was submitted on July 26, 2024 for a proposed spa located north of the northwest corner of West Broadway Avenue and South Main Street at 106 North Main Street. He stated the property was zoned DM (Downtown Mixed-Use)/Area 6 of the Downtown Residential Overlay District (DROD). He stated according to Section 5.8.C.4.b.i of the Zoning Ordinance, all new construction in the DM district shall use brick as the primary building material, along with masonry accents as traditionally found in the downtown; throughout the zoning ordinance, Planning Commission is given the power to grant façade variances to masonry requirements on a case-by-case basis. He stated the east side of the building, which was the street facing façade, was proposed to be built using bricks as the primary building material, with wood accents between the windows (as shown in the attached conceptual rendering). He stated the sign was shown with a wood background, which could be approved during the sign permit review process. He explained the wood under consideration was not the wood sign, but the wood accents. He stated Staff recommended the building elevations submitted July 26, 2024, be approved.

The applicant, Brad Parson, did not wish to speak.

MOTION: A motion was made by Jason Coan, seconded by Jaylee Klempa.

Move to approve Item 8B per Staff recommendations

The motion carried by the following vote:

Aye: 5 - Mindy Payne, Jaylee Klempa, Jonathan Townsend, Jason Coan, Robert Goranson

C. 24-1066 Approval of a modification to Section 4.1(n) of the Land Subdivision Code for 3226 North Elm Avenue, 34.42 acres, 1 lot, A-1 (Agriculture), south and west of the southwest corner of West Omaha Street (East 51st Street) and North Elm Avenue (North 161st East Avenue)

Mr. Bibelheimer reported the property owner was constructing a single-family residence at 3226 North Elm Avenue; the property was located south and west of the southwest corner of West Omaha Street and North Elm Avenue and was currently unplatted. He stated the building permit for the new home was issued on August 21st, 2023. He stated the property owner was in the process of getting the final inspection when the lack of sidewalk construction came into question. He explained in lieu of installing a sidewalk, the property owner would have been allowed to pay a fee into escrow; this fee was \$65 dollar per square yard of sidewalks to be installed along North Elm Avenue (approximately 2,350 linear feet) and West Omaha Street (150 linear feet) which came out to an estimated 1,388 square yards, which would be roughly \$90,277 dollars. He stated if the applicant did not wish to build the sidewalks the applicant could pay \$90,277 dollars into sidewalk escrow. He reported on behalf of the property owner, City Staff requested a modification to Section 4.1(n) of the Land Subdivision Code to waive the sidewalk installation or escrow fee along the Elm Avenue and Omaha Street frontages of the property. He stated Staff recommended the modification to Section 4.1(n) of the Subdivision Regulations be partially approved for 3226 North Elm Avenue to waive a part of the sidewalk installation or escrow fee along the Elm Avenue and Omaha Street frontages subject to: 1) A sidewalk being built for the southern portion of the frontage onto North Elm Place, terminating 50 feet to the north of the driveway; and 2) Escrow be paid for the 150 feet of frontage onto West Omaha Street.

Chair Goranson asked Mr. Bibelheimer to display on the map where City Staff recommended the sidewalk be built and for what portion of the road City Staff recommended escrow be paid for sidewalk installation.

Mr. Bibelheimer displayed and discussed a map showing where the sidewalk recommendations were located. He stated Staff recommended the applicant build a portion of sidewalk and pay into escrow for another portion of sidewalk.

Discussion ensued regarding where the sidewalk would be located and what sidewalk already existed in the area, and where the City planned to build a sidewalk.

The applicant, Brad Parson, stated his property was a private estate and did not connect with any other sidewalks, so he was requesting a waiver for the sidewalk and escrow. He noted building a sidewalk would be a safety concern as there was no connection to other sidewalks in the area. He stated to access his sidewalk, residents would have to cross the street at a light which had a vacant lot and no sidewalk. He noted secondly, his flag lot, where his home would be built, only extended 300 feet on Elm, and the rest of the property would be undeveloped. He noted going north and south there was no development yet. He noted he was in the process of purchasing the corner lot which he planned to leave undeveloped as well. He stated there was no point in building a sidewalk as there would be no access to the sidewalk from either direction; there would be no tie-in to any existing sidewalks. He noted the City owned the land to the south of his property and would not likely build a sidewalk because this land was undeveloped as well. He asked for a waiver to not build a sidewalk or pay any escrow.

Chair Goranson stated there had to be a starting point; the sidewalk had to start somewhere.

He explained this was why the City asked for sidewalks to be built when a property was developed. He noted if Mr. Parson did not build a sidewalk, then the next property owner would say, “well, they don’t have a sidewalk in front of their property.”

Mr. Parson stated he understood, but he did not plan to develop the rest of his property; he planned to keep the 35 acres undeveloped except for the small portion he built his home upon, so there would be no frontage for the sidewalk. He stated if he sold the property and it was developed then a sidewalk would come into play, but his home had no frontage on Elm. He noted City regulations only called for a sidewalk when a property was developed, and he would not be developing the property with frontage on Elm.

Mr. Bibelheimer stated code indicated frontage was for the lot, so as the building permit was issued for the 34 acres site, technically the frontage was for the full 34 acres site, not just the portion which held the home site. He noted the applicant also applied for a lot split which would put the building site on a 5.76 acres lot which had approximately 350 feet of frontage on Elm. He stated in Staff’s perspective, since the building permit was approved for the full parcel, then the sidewalk would apply for the original building permit, but assuming the sidewalk waiver and some other issues were resolved, the lot split would come before Planning Commission in September.

Chair Goranson asked how it got to this point regarding the sidewalk waiver.

Mr. Parson stated the sidewalk requirement was brought to his attention after construction was completed. He stated after construction was completed the City informed him a sidewalk was needed in order to obtain a certificate of occupation. He stated he was asking for a waiver as this property would be maintained as a private estate and he had no intention of developing anywhere along Elm because he wanted to keep this property a private estate.

Chair Goranson stated this was similar to the case regarding the lot on 1st Street between Washington and New Orleans. He stated Planning Commission recommended limiting the amount of sidewalk the homeowner installed, but when it went before City Council, City Council required the homeowner to install sidewalk everywhere except where the bridge was located.

Ms. Yamaguchi stated the problem was the code did not differentiate between whether you were developing a property as a single family, commercial, industrial, etc., it only required a sidewalk to be installed when a parcel was developed.

Commissioner Klempa noted it required a sidewalk be constructed, or money to be paid into escrow for future sidewalk development.

Mr. Parson stated given the terrain it would be very difficult to build a sidewalk.

Chair Goranson noted whatever recommendation Planning Commission made, it would go before City Council for consideration.

Ms. Yamaguchi stated if Planning Commission denied this request, the applicant could go to City Council for an appeal.

Chair Goranson stated he understood Mr. Parson’s point of view, but he also understood why a sidewalk along Elm was important to the City.

Discussion ensued regarding where sidewalks were located in this area; the sloping terrain of Mr. Parson’s land; and where pedestrians would cross the road.

Mr. Parson stated he was in favor of allowing the City to install a trail along his property frontage, but he did not wish to build a sidewalk along his property when there was no existing sidewalk to connect to in the area. He said a sidewalk which started and stopped in front his property was pointless, especially as there was no safe way to get to the sidewalk without crossing the street and then jaywalking back over at the end of his sidewalk.

Discussion ensued regarding the trail the City installed where the apartments were located.

Mr. Parson stated he would understand building a sidewalk along Elm if he were to develop the property along Elm with homes.

Chair Goranson noted whether there was one home or 40 homes on the lot, the sidewalk requirements were the same.

Commissioner Klempa stated she felt the applicant should not be required to build sidewalks but should put money into escrow for future development of a sidewalk.

Ms. Yamaguchi stated City Council had approved payment plans for sidewalk escrows in the past, and this could be recommended by Planning Commission, as this was a significant amount of money.

Chair Goranson asked if the \$90,000 dollars was the full escrow amount for the sidewalk.

Ms. Yamaguchi stated \$90,000 dollars was for all the sidewalks along both frontages.

Mr. Parson asked why his sidewalk was required to be installed as concrete when the trail across the street was tar and chip or asphalt.

Chair Goranson noted subdivision regulations called for concrete sidewalks.

Ms. Yamaguchi stated it would be a separate street project for a trail to be built at the City's expense and she was unaware of any such plans.

Mr. Parson asked if a homeowner built one home in the middle of a full mile section of land would the homeowner be required to build sidewalks all around the full mile of land, four miles of sidewalk.

Ms. Yamaguchi responded in the affirmative, this was what code required as written.

Chair Goranson asked for Staff's recommendation.

Mr. Bibelheimer responded Staff recommended to partially approve the escrow requirement subject to 1) A sidewalk being built for the southern portion of the frontage onto North Elm Place, terminating 50 feet to the north of the driveway; and 2) Escrow be paid for the 150 feet of frontage onto West Omaha Street.

Ms. Yamaguchi noted Staff recommended waiving a large portion of the sidewalk: installation of a small portion, escrow for a small portion, and waiving a large portion of the sidewalk requirement. She noted it was a compromise.

Chair Goranson asked City Staff to provide a map, better explaining what Staff was recommending for City Council.

Ms. Yamaguchi stated this would be done. She explained on the map what Staff was recommending.

Mr. Bibelheimer stated the amount recommended to be paid into escrow was approximately \$5,416 dollars.

Commissioner Klempa asked what the total cost would be for the sidewalk to be installed, and how much escrow would cost.

Mr. Bibelheimer responded if the homeowner wished to install the sidewalk it would be at the homeowner's cost; escrow for sidewalk for the entire property would be \$90,000 dollars total.

Commissioner Klempa recommended putting the cost for the portion City Staff wanted to be built into escrow, as well as the portion recommended by City Staff for escrow; basically, putting the amount of sidewalk recommended by City Staff into escrow for the City to use for future sidewalk installation. She made a motion.

Mr. Bibelheimer stated that amount would be less than \$90,000 dollars; he did not have the exact amount.

Vice Chair Coan stated where he was confused was there was no map showing exactly how much land the applicant owned. He asked in the future for this to be provided.

Commissioner Klempa withdrew her motion.

MOTION: A motion was made by Jason Coan, seconded by Jaylee Klempa.

Move to approve Item 8C per Staff recommendations but escrowing the portion along North Elm between the drive to the south, as well as the 150 linear feet to the north

The motion carried by the following vote:

Aye: 5 - Mindy Payne, Jaylee Klempa, Jonathan Townsend, Jason Coan, Robert Goranson

D. 24-1088 Consideration, discussion, and possible appointment of two Planning Commission members to serve on the Housing and Demographic Study Advisory Group

Mr. Farhad Daroga stated he was looking for two Planning Commission Members to volunteer to join the Housing and Demographic Study Advisory Group. He stated this was a small group formed with two City Council Members which would meet a few times. He

noted the Group had one meeting in the City Hall conference room at 10:00 a.m.; the next meeting would be held at 11:00 a.m. next Tuesday, but this would be before the Planning Commission Members were approved by City Council and there would only be another couple of meetings to follow. He noted the group would meet during the day.

Commissioner Payne noted she could not volunteer as she worked during the day.

Chair Goranson noted he was retired and could participate. He asked about the Advisory Group's makeup.

Mr. Daroga responded there were two City Councilors, two School Board Members, as well as School Staff and City Staff including the City Manager's Office Staff and Community Development Staff. He noted the Group met to review the Housing and Demographic Study and provide recommendations to Planning Commission and City Council.

Chair Goranson stated he would volunteer.

Commissioner Townsend stated he would volunteer as well.

Mr. Daroga stated currently the meetings were every two weeks.

MOTION: A motion was made by Jaylee Klempa, seconded by Mindy Payne.

Move to appoint Robert Goranson and Jonathan Townsend to serve on the Housing and Demographic Study Advisory Group

The motion carried by the following vote:

Aye: 5 - Mindy Payne, Jaylee Klempa, Jonathan Townsend, Jason Coan, Robert Goranson

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

Robert Goranson requested an informational presentation on environmental studies. He noted environmental studies tended to slow development.

Ms. Yamaguchi stated she would provide information regarding environmental studies.

Discussion ensued regarding environmental studies, who initiated environmental studies, how long environmental studies took to complete, the different types of environmental studies, and what type of information Planning Commission wanted to see in regard to environmental studies.

Mr. Daroga stated current Subdivision Regulations did not require an EIS or environmental impact statement. He noted there was a difference between an environmental impact study and an environmental impact statement. He indicated if a development crossed a blue line, the determination would be made by the Corps or the controlling agent of the development's floodplain. He stated most of the blue lines in Broken Arrow were in the Corps' jurisdiction. He agreed environmental impact studies and statements were very long involved processes.

Discussion continued regarding environmental impact studies and statements and how long these studies took to complete, even up to a year.

Vice Chair Coan stated he would like to understand the impact of an environmental study, and whether it could stop a development completely.

Discussion ensued regarding past environmental studies and the impacts these studies had on development; how an environmental study would impact Aspen Landing; the City's five pipelines under DOT guidelines; City easements and setbacks.

Vice Chair Coan discussed his recent work with FEMA determining whether a piece of land was tribal land or burial land which was not publicly noted. He asked if the City ever looked at this when a building permit was submitted.

Jason Dickeson, Engineering Section Manager, responded typically no, but this was a part of the floodplain permit process, or the DEQ process, where an applicant had to go to Indian Affairs to make sure the plans were not on an Indian site. He stated if the City were aware of a state or federal permit needed, it would inform applicants, but the applicant was responsible for obtaining such permits.

Ms. Yamaguchi stated she would like to schedule one-on-one meetings with each of the Commissioners to discuss any questions or comments the Commissioners might have.

Mindy Payne commended and thanked the mowers who maintained Liberty Trail.

Jaylee Klempa thanked Staff for providing updated contact information.

Robert Goranson clarified the dates agenda items would go to City Council. He stated Items 4B and 6A would go before City Council on September 3, 2024 at 6:30 p.m., and Items 6B, 8C, and 8D would go before City Council on August 20, 2024 at 6:30 p.m.

10. Adjournment

The meeting was adjourned at approximately 7:27 p.m.

MOTION: A motion was made by Mindy Payne, seconded by Robert Goranson.

Move to adjourn

The motion carried by the following vote:

Aye: 5 - Mindy Payne, Jonathan Townsend, Jaylee Klempa, Jason Coan, Robert Goranson