



City of Broken Arrow

Minutes

Planning Commission

Robert Goranson Chairman
Jason Coan Vice Chairman
Jaylee Klempa Commissioner
Jonathan Townsend Commissioner
Mindy Payne Commissioner

City of Broken Arrow
220 South 1st Street
Broken Arrow, OK
74012

Thursday, September 11, 2025	5:30 p.m.	Council Chambers
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1. Call to Order

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

2. Roll Call

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

3. Old Business - NONE

4. Consideration of Consent Agenda

- A. 25-1287 Approval of Planning Commission meeting minutes of August 28, 2025
- B. 25-1300 Approval of PR-000848-2025 | PT-002371-2025, Preliminary Plat, The Villages at Rose Hill, 12.86 acres, AG (Agricultural) to RMF (Residential Multifamily) and PUD (Planned Unit Development) 001787-2024 via BAZ-001788-2024, located approximately one-half mile north of Houston Street (81st Street), one-half mile east of 9th Street (177th E. Avenue/Lynn Lane Road)
- C. 25-1316 Approval of LOT-002370-2025, E/2 Lot 3 Block 1, 1 lot to 2 lots, 0.47 acres, R-1 Residential-Single Family, located approximately 1/4 mile east of 9th Street (177th Street) and 1/4 mile north of Kenosha Street (71st Street)

MOTION: A motion was made by Jason Coan, seconded by Jaylee Klempa
Move to Approve Consent Agenda

The motion carried by the following vote:

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

5. Consideration of Items Removed from Consent Agenda – NONE

6. Public Hearings

- A. 25-1321 Public hearing, consideration, and possible action regarding BAZ-002232-2025 (Rezoning), 2001 Angus Drive, 0.76 acres, RS (Single Family Residential), located south of the southeast corner of Kenosha Street (71st Street) and 23rd Street (193rd E. Avenue/County Line Road)

Mackenzie Hackett, Staff Planner, presented Item 25-1321. The item under consideration is a rezoning request for 2001 Angus Drive, a 0.76-acre lot currently zoned RS (single-family residential) within Angus Acres. The applicant seeks to rezone the property to O-N (Office Neighborhood).

The comprehensive plan designates the site as Level 2, which allows office neighborhood uses if the property is adjacent to an arterial road or extends an existing office neighborhood development. The site abuts County Line Road, which serves as the arterial connection. To comply with the plan, any future driveway must access County Line directly, ensuring no traffic cuts through nearby single-family areas.

Given the property's location, arterial frontage, and compatibility with surrounding land uses, staff recommends approval of the rezoning request (BAZ-002232-2025) and also recommends waiving the platting requirement.

Larry Pennington, a Realtor with Pennington & Associates, the applicant, explained that the rezoning request reflects how the area has changed over time. When the property was originally

platted as residential, the adjacent road was only a two-lane street. Now that it has become a five-lane highway, the location is far more suitable for office or professional uses, such as a doctor's office or real estate office. The applicant emphasized that the rezoning aligns with the current character of the corridor and the intended future use of the site. He then opened the floor for any council or commission questions.

Chairman Robert Goranson inquired about the property's history, noting he'd heard it might have been considered for a similar change around 20 years ago. Mr. Pennington clarified that when the current owners purchased the lot, they were mistakenly told they could place a double-wide home there, which turned out not to be allowed.

When asked if there were issues with private covenants, Mr. Pennington confirmed that none were impacting the request. He also clarified that no buyer is currently secured. Still, the intent is to market the property for professional office use—such as a medical office or real estate office—not for commercial or retail purposes. The rezoning request is strictly for O-N (Office Neighborhood) zoning.

Don Stacey, a nearby resident at 2002 Archdale Street, directly south of the subject lot, spoke during the hearing. He noted that he has lived there for more than 50 years and has seen significant changes in the area, especially after 23rd Street was widened to five lanes, which has already increased noise levels. Because of that, he expressed no objection to the rezoning, saying an office use would not add any noticeable noise beyond what already exists.

Mr. Stacey provided a history of a previous rezoning effort he organized, which attempted to convert about 11 properties along 23rd Street and Kenosha to Office Neighborhood (O-N). That effort was denied after neighbors from the interior residential streets opposed it and circulated a petition. The Planning Commission voted 3–2 to deny, and the City Council also rejected it, but on different grounds—citing Angus Acres' private covenants, which at the time only allowed residential uses. For the First National Bank at the corner to be built, the bank had obtained the approval of a majority of homeowners within Angus Acres.

He concluded that, unless things have since changed, approval of this current rezoning may also require the majority consent of Angus Acres I homeowners under those same covenants.

During the discussion, Chairman Goranson confirmed his understanding that the earlier rezoning attempt failed primarily because of the Angus Acres covenants.

Mr. Stacey recalled that his own effort in 2018 to rezone property there had gone through significant expense, but he had not realized at the time that covenants would present a problem.

Chairman Goranson clarified that, unlike before, there was no petition submitted in opposition to the current case. However, he noted that covenant enforcement is a private matter between property owners and not a factor that prevents the city from hearing and deciding the zoning request. Mr. Stacey reiterated his belief that the covenants still require a majority of homeowners to approve any non-residential use, citing the earlier example where the bank obtained homeowner approval before being built.

Chairman Goranson concluded by noting the comprehensive plan supports this type of use, though he acknowledged the covenant questions remain separate from the city's zoning authority. He then thanked the speaker for their input.

The commission confirmed the rezoning request aligns with the comprehensive plan (Level 2) and closed the public hearing before discussion. Members clarified that any restrictive covenants in Angus Acres are private matters between property owners: the city does not enforce HOA rules or most covenants, only ensures they don't conflict with city ordinances. Examples noted included short-term rentals and fence standards, where HOA restrictions can be stricter than the city's. Questions were raised about whether covenants prohibit business uses and why no home has been rebuilt on the lot; staff said they hadn't reviewed the covenants and believed the city needed only to judge zoning compliance, not private restrictions. The applicant was asked to state for the record why a residence hasn't been constructed on the property.

Perry Stanford, property owner, explained that he originally intended to place a modular home on the lot. Still, a change in the City of Broken Arrow's wiring code prevented him from doing so. Unable to afford another type of house, he left the lot vacant but has maintained it, though he noted recent problems with trespassers damaging the property.

MOTION: A motion was made by Robert Goranson, seconded by Jaylee Klempa Move to Approve Item 25-1321, action regarding BAZ-002232-2025 (Rezoning), 2001 Angus Drive, 0.76 acres, RS (Single Family Residential), located south of the southeast corner of Kenosha Street (71st Street) and 23rd Street (193rd E. Avenue/County Line

Road)

The motion carried by the following vote:

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

7. Appeals – NONE

8. General Commission Business

A. 25-1302 Consideration, discussion, and possible approval of BLDR-032957-2025 request for Zoning Ordinance variance Chapter 4, Sec. 4-3-8C, Design Standards for Fences and Walls, Ratliff Home, 0.22 acres, located directly east of 23rd Street (County Line Road), approximately ½ mile south of Albany Street (61st Street)

Jose Jimenez, Planner II, presented Item 25-1302, a variance request for the Ratliff home at 1908 North 24th Street, where a fence built in January 2023 without a permit drew three code violations for inconsistent height, the finished side facing inward, and lack of a license. Because the property backs onto County Line Road, the fence must meet arterial street requirements. The homeowner is asking to keep the wall at its current height, has agreed to finish both sides for appearance, is applying for the proper permit, and has provided photos and letters of support from neighbors while being present to answer questions.

During the discussion, commissioners questioned whether the fence variance for the Ratliff home was properly before the Planning Commission or should instead go to the Board of Adjustment. Staff and the city attorney clarified that because the fence ordinance falls under the zoning code, the Planning Commission does have authority. Commissioners noted this type of case feels unusual, since variances are typically tied to hardships and criteria, but here the issue is primarily aesthetic and procedural. They confirmed the violations stem from the fence's height, orientation, and lack of permit due to its location along an arterial road, where stricter standards apply. Safety was not considered a concern, and staff emphasized that the matter is about appearance and compliance. The commission agreed that the applicant should provide further details on visuals and neighborhood context.

Vicki Ratliff, the applicant and homeowner at 1908 North 24th Street in Bintree Subdivision, asked the commission to allow her to keep her eight-foot fence with the adjustment of adding a finished side along the arterial road. She explained the confusion residents face when trying to interpret city codes, noting she had relied on advice from her HOA president, which turned out not to align with requirements. She emphasized she had acted in good faith, hiring local firefighters to help with the work, and closed by honoring 9/11 and remembering those who lost their lives.

The commission discussed Ms. Ratliff's request to keep her eight-foot fence, noting she agreed to add a finished side facing County Line Road rather than lowering it to six feet. Commissioners acknowledged the sturdiness of her fence, her good-faith effort, and supporting letters from neighbors, with some recalling longstanding issues of inconsistent fencing along arterials. Ms. Ratliff explained she followed HOA advice, spent significantly on the fence, and wanted it to be an example for others. Commissioners clarified the process, confirming that since the ordinance allows Planning Commission approval, their decision would be final without City Council review. They emphasized that she could stain or finish the exterior as she wished and appreciated her cooperation, with the discussion closing on a supportive note.

**MOTION: A motion was made by Jaylee Klempa, seconded by Mindy Payne
Move to Approve Item 25-1302, with a variance for the fence being 8' tall and having the finished side towards the arterial, and completing the fence permit currently in process: BLDR-032957-2025 request for Zoning Ordinance variance Chapter 4, Sec. 4-3-8C, Design Standards for Fences and Walls, Ratliff Home, 0.22 acres, located directly east of 23rd Street (County Line Road), approximately ½ mile south of Albany Street (61st Street)**

The motion carried by the following vote:

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

9. Remarks, Inquiries, and Comments by Planning Commission and Staff (No Action) - NONE

10. Adjournment

The meeting was adjourned at 6:11 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

