



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, November 17, 2016

5:00 PM

Council Chambers

1. Call To Order

2. Roll Call

Rollcall

Present 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

3. Old Business

4. Consideration of Consent Agenda

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

Amanda Yamaguchi, Staff Planner, City of Broken presented the Consent Agenda items.

Fred Dorrell asked if there were any items that needed removed from the Consent Agenda.

Mark Jones as to remove Consent Agenda Items 4D. (PT14-109, Silverleaf) and Item 4F. (PT16-110, Tucson Village) be removed, as his firm helped prepare these items.

Fred Dorrell asked if any other items need removed from the Consent Agenda. No one responded.

A. [16-1378](#) Approval of Planning Commission meeting minutes of October 27, 2016 and November 3, 2016

MOTION by Ricky Jones to approve Consent Agenda Items 4A, 4B and 4C, per Staff recommendations. The motion was seconded by Carlyne Isbell-Carr.

Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

- B. [16-1373](#) Consideration and possible action regarding BAL 2004, Northeast Crossroads Lot Split, 12.10 acres, CG/PUD 175, north of the northwest corner of Kenosha Street and 209th East Avenue**

MOTION by Ricky Jones to approve Consent Agenda Items 4A, 4B and 4C, per Staff recommendations. The motion was seconded by Carlyne Isbell-Carr.

Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

- C. [16-1374](#) Consideration and possible action regarding request to modify the covenants associated with 61st Street Industrial Park, IL, one-quarter mile west of Aspen Avenue, south of Albany Street**

MOTION by Ricky Jones to approve Consent Agenda Items 4A, 4B and 4C, per Staff recommendations. The motion was seconded by Carlyne Isbell-Carr.

Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

- D. [16-1375](#) Consideration and possible action regarding PT14-109, Conditional Final Plat, Silverleaf, 19.86 acres, PUD 225/RS-3, One-quarter mile west of the northwest corner of 37th Street and Omaha Street**

This Consent Item was Removed from Consent Agenda.

- E. [16-1291](#) Consideration and possible action regarding PT16-108, Preliminary Plat, Kenosha-Elm Business Park, 13.20 acres, 5 lots, RM, R-2, CN, and CH to IL/PUD-253, north of Kenosha Street, one-quarter mile east of Elm Place**

MOTION by Lee Whelpley to move Item 4E. (PT16-108 Kenosha Elm Business Park, Preliminary Plat) after 6A. (PUD-253 & BAZ-1965, Kenosha Elm Business Park). The motion was seconded by Ricky Jones.

Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

- F. [16-1376](#) Consideration and possible action regarding PT16-110, Preliminary Plat, Tucson Village, 36.81 acres, A-1 to RS-3 and FD/PUD 234, south and west of the southwest corner of Tucson Street and 23rd Street**

This Consent Item was Removed from Consent Agenda.

5. Consideration of Items Removed from Consent Agenda

Mark Jones left the Council Chambers at 5:04 p.m.

[16-1375](#) **Consideration and possible action regarding PT14-109, Conditional Final Plat, Silverleaf, 19.86 acres, PUD 225/RS-3, One-quarter mile west of the northwest corner of 37th Street and Omaha Street**

MOTION by Ricky Jones to approve Item 4D (PT14-109, Conditional Final Plat of Silverleaf), per Staff recommendations. The motion was seconded by Lee Whelpley.

Aye: 4 - Carolyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

Recused: 1 - Mark Jones

[16-1376](#) **Consideration and possible action regarding PT16-110, Preliminary Plat, Tucson Village, 36.81 acres, A-1 to RS-3 and FD/PUD 234, south and west of the southwest corner of Tucson Street and 23rd Street**

MOTION by Ricky Jones to approve Item 4F (PT16-110, Preliminary Plat of Tucson Village), per Staff recommendations. The motion was seconded by Lee Whelpley.

After the vote, Fred Dorrell said Items 4C and 4D of the Consent Items will be heard by the City Council on December 20, 2016, at 6:30 p.m.

Mark Jones returned to the Council Chambers at 5:06 p.m.

Aye: 4 - Carolyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

Recused: 1 - Mark Jones

6. Public Hearings

A. [16-1319](#) **Public Hearing, consideration and possible action regarding PUD-253 and BAZ-1965, Kenosha-Elm Business Park, 13.20 acres, RM, R2, CN, and CH to IL/PUD-253, north of Kenosha Street, one-quarter mile east of Elm Place**

Brent Murphy, Senior Staff Planner, City of Broken Arrow, presented the background for Item 6A saying, Planned Unit Development (PUD) 253 and BAZ-1965 are a request to rezone this property from Residential Multifamily (RM), Single-Family Residential (R-2), Commercial Neighborhood (CN), and Commercial Heavy (CH) to Industrial Light (IL) and PUD-253, involves 13.20 acres located north of Kenosha Street and one- quarter mile east of Elm Place. A portion of the property to the south is an existing retail business, the rest of the property is undeveloped.

Brent Murphy said on June 18, 2012, the City Council conditionally approved BACP-123, a request to change the Comprehensive plan designation on 6.51 acres of this property, from Level 2 (Urban Residential) to Level 6 (Regional Employment/Commercial). Approval was contingent upon the property being platted and developed through the PUD process.

Mr. Murphy said the applicant is proposing to construct a mixed-use development consisting of an existing retail shop fronting Kenosha Street along with storage units, to the north, and three office buildings on the east side of the property. A public street, Main Street North, will divide this property from Kenosha Street to the City of Broken Arrow Storm Water Detention Facility to the north. He said PUD-253 describes dividing this property into Development Areas A, B, and C with a public street being constructed between development areas A/C and B. The only permitted use in Development Area A, which is on the west half of the property, is mini-storage with an accessory-use office building. A landscape area of at least 30 feet in width will be provided on the north and south sides of Development Area A.

Brent Murphy said Development Area B is on the east side of the proposed, new public street. This area is proposed to be developed for office use only. The types of offices are specifically limited to medical offices or clinics, business or professional offices, financial institution without a drive-thru facility, art gallery or museum, and places of assembly. A landscape area of at least 30 feet in width will be provided on the north, east, and south sides of Development Area B. There will be an eight-foot high screening fence, which will be installed with the initial construction phase, along the east boundary of Development Area B abutting the Kenwood and Kenwood IV additions.

Mr. Murphy said Development Area C is on the west side of the proposed, new public street and south of Development Area A. This area is proposed to remain for retail use as allowed by the Commercial Neighborhood (CN) District.

Brent Murphy said Staff recommends that PUD-253 and BAZ-1965 for Kenosha-Elm Business Park, be approved, subject to the property being platted.

Fred Dorrell asked if the applicant was present and to step to the podium.

Mark Capron, Sisemore Weisz, 6111 E. 32nd Pl, Tulsa, said they are in agreement with the Staff report. He said a few of the surrounding neighbors have some concerns about this project and would like to reserve his time to answering their questions.

Fred Dorrell opened the public hearing and asked if anyone wished to speak to Item 6A.

Roma Cole 1040 Circle Drive, said she owns three lots that back up to this project. She voiced concerns about drainage in the area saying the Creek, in the area, already overflows. She asked if a water study has or would be done.

Michael Skates, Director of Development Services, City of Broken Arrow said the applicant is looking at the Stormwater conditions and can probably answer the question better; however, they should be improving the Channel on the east and the drainage connection off of Kenosha to make sure it is functional with their Stormwater increases. The plan is that, ultimately, it will improve the entire storm system.

Fred Dorrell said the applicant will have an opportunity to address all questions, at the end. He asked if there was anyone else that wished to speak to this item.

Rick Brown, 1212 N. Kenwood, said he and Don Stevens 1104 N. Circle Drive are part of the Kenwood IV Homeowner's Association (HOA). He said they held an HOA meeting, previously, and provided concerns presented during this meeting with the Applicant, Mark Capron, in which they believe he will address the concerns. Mr. Brown provided the Commission paper documents stating the concerns - the same documents provided to Mr. Capron.

Rick Brown said some concerns, that are not on the document provided to the Commission and Applicant, are dust concerns caused by construction. He said there are provisions for water trucks to keep the dust down; however, some members of their HOA are elderly and have health issues and dust control is a major concern. He said they are concerned about noise, and lighting facing the properties and over the back part of the abutting properties.

Mr. Brown said they are concerned about the structure height on the buildings that will abut the east side of the property. He asked if the glass on the east side of the building will be opaque; if the neighbors can see in but the occupants can view the surrounding neighbors.

Don Stevens said he understands the case before the Commission is to discuss the zoning of this property and asked if this is the best particular zoning for this property. He said he is pro-business and not opposed to the proposed business for this site; however, hoped it would be used for senior housing with an HOA or something similar. He said ON use seems like an acceptable use but hoped there was a better one that would be a better return for the money for the Investors and better tax rate for the City as there are plenty of storage facilities in the City already.

Mr. Stevens said he is concerned with water runoff, in the neighborhood, as the retention pond is currently at capacity and drains on his property and surrounding neighbors to the east. He said presuming and hopeful that the Applicant and City will address those issues with upcoming planning and engineering stages.

Fred Dorrell asked if anyone else wished to speak to Item 6A. No one responded. Mr. Dorrell closed the public hearing.

Mark Capron said he received the list presented and discussed many of the items with previous speakers prior to this meeting. He said everything west of Main Street drains to the north. The proposed street and office buildings, on the east side, are designed to drain to the detention pond in Reserve A, on the southeast corner of the property. He said it is not designed yet but they plan to intercept the water that is coming from the neighborhoods stormwater detention pond and convey it into storm sewer, like an underground pipe, which is preferred, or do it in a swell. Rainwater that hits this property will not be crossing outside of the proposed subdivision; it will not increase the way stormwater is handled now. He said, most likely, the amount of water runoff will likely be reduced.

Mr. Capron said the concern regarding the ditch that goes to Kenosha Street is a valid concern; it is not wide enough to handle the water. He said they are working on this item, although it is out of their project area. The plans are not finalized yet and the City will review the plans when the time comes.

Mark Capron said the concerns regarding dust and noise during construction will be handled and held to the same standard as everyone else with construction and they will do their best to keep the dust down. He said the concern about lighting will be addressed in the PUD with a provision that lighting must be directed downward. In regards to the architecture of the office buildings, they are two-story. He said the PUD has a provision that the occupants cannot look out the two-story window. The building will be masonry, stucco or something similar; in addition, everything that faces Main Street on the mini-storage side, will be stucco or masonry of some sort.

Fred Dorrell asked to clarify the second story windows and if they will be raised higher. Mark Capron said yes or an opaque window.

Mark Capron said there were concerns regarding security in the storage facility area. He said the facility will be gated and patrons will be provided with key cards to gain access. The main entrance will be off the proposed collector street.

Mr. Capron said the neighbors requested a ten-foot tall retaining wall be installed between the building structures and residential structures. He said this application is for a proposed eight-foot tall wood fence. He said it is standard code to have the fence be steel post and the structure is facing the proposed development so the residential side will see the nice side of the fence.

Mark Capron said the neighbors' wanted to know the purpose of the ON (Office-Neighborhood) zoning use. He said the proposed PUD is to grandfather some of the existing businesses that have been in business for a long time, before Kenosha was widened, that face Kenosha. Through the PUD, this area will be its own development area to be adjusted for setbacks and other things to allow the area to stay as it exists today. There are no other plans to change anything else on that portion of the property than that which exists today. If there were a natural disaster or event that made these

buildings go away, the PUD would grandfather what would be allowed at that location.

Lee Whelpley asked Mr. Capron if they will be building a roadway through the middle of the property.

Mark Capron said yes; however, the developer would prefer not to have to pay for the road because it is a public road. He said the road is wide to serve properties to the north and they feel it is unfortunate that this property owner has to build a three-lane road with stormsewer, curb and gutters; however, the road is required.

Mr. Whelpley asked if the intent is to convey the road, to the City, at a later time. Mark Capron said it will be like any subdivision, with a platted right-of-way as a public street.

Fred Dorrell asked if there were questions, comments or a motion.

Ricky Jones said he reviewed the PUD and there appears to be a good job of buffering the single-family residential area with the offices. He said they did not abut the mini-storage side against the homes. Mr. Jones said generally these type of businesses are in operation from 8 a.m. to 5 p.m. The use of the opaque window, in the second story windows, will keep visibility from occupants. He said it appears to be a well done PUD and feels confident that the City will review hydrology reports and drainage and will not be built unless it is adequate.

MOTION by Ricky Jones to approve PUD-253 and BAZ-1965, per Staff recommendations. The motion was seconded by Mark Jones.

After the vote, Fred Dorrell said this item will be heard by City Council on December 20, 2016, at 6:30 p.m. Brent Murphy said if anyone wishes to speak at Council, they must sign up prior to the meeting.

Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

E. [16-1291](#) Consideration and possible action regarding PT16-108, Preliminary Plat, Kenosha-Elm Business Park, 13.20 acres, 5 lots, RM, R-2, CN, and CH to IL/PUD-253, north of Kenosha Street, one-quarter mile east of Elm Place

Brent Murphy said this item is the Preliminary Plat for the PUD previously heard by the Commission. Staff recommends approval, subject to the checklist. He said the Technical Advisory Committee recommends approval, subject to the checklist. The applicant agrees with the Staff report.

Fred Dorrell asked if anyone wished to speak to Item PT16-108. No one responded. He closed the public hearing.

MOTION by Mark Jones to approve Item PT16-108, per Staff recommendations. The motion was seconded by Lee Whelpley.

Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

7. Appeals

None

8. General Commission Business

None

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

None

10. Adjournment

MOTION by Carlyne Isbell-Carr to adjourn. The motion was seconded by Ricky Jones.

Aye: Mark Jones, Carlyne Isbell-Carr, Ricky Jones, Lee Whelpley, Fred Dorrell

Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones