

**City of Broken Arrow**

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

**Meeting Agenda  
Planning Commission**

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

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**Thursday, August 10, 2017**

**5:00 PM**

**Council Chambers**

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1. Call To Order
2. Roll Call
3. Old Business
4. Consideration of Consent Agenda
  - A. Approval of Planning Commission meeting minutes of July 27, 2017
5. Consideration of Items Removed from Consent Agenda
6. Public Hearings
  - A. Public hearing, consideration, and possible action regarding SP-284 (Specific Use Permit for animal sales and services including an animal training school) and abrogation of BAZ 1704, My Sunrise Stables, 101.02 acres, A-1, one-quarter to one-half mile south of Jasper Street, east of Olive Avenue
7. Appeals
8. General Commission Business
9. Remarks, Inquiries and Comments by Planning Commission and Staff (No Action)
10. Adjournment

**NOTICE:**

**1. ALL MATTERS UNDER “CONSENT” ARE CONSIDERED BY THE PLANNING COMMISSION TO BE ROUTINE**

**AND WILL BE ENACTED BY ONE MOTION. HOWEVER, ANY CONSENT ITEM CAN BE REMOVED FOR DISCUSSION, UPON REQUEST.**

**2. IF YOU HAVE A DISABILITY AND NEED ACCOMMODATION IN ORDER TO PARTICIPATE IN THE MEETING, PLEASE CONTACT THE DEVELOPMENT SERVICES DEPARTMENT AT 918-259-8412, TO MAKE ARRANGEMENTS.**

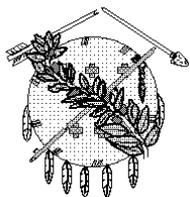
**3. EXHIBITS, PETITIONS, PICTURES, ETC. PRESENTED TO THE PLANNING COMMISSION MAY BE RECEIVED AND DEPOSITED IN CASE FILES TO BE MAINTAINED AT BROKEN ARROW CITY HALL.**

**4. RINGING/SOUND ON ALL CELL PHONES AND PAGERS MUST BE TURNED OFF DURING THE PLANNING COMMISSION MEETING.**

**POSTED on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ am/pm.**

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City Clerk



# City of Broken Arrow

## Fact Sheet

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**File #: 17-2511, Version: 1**

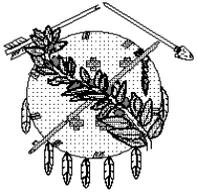
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### **Broken Arrow Planning Commission**

**08-10-2017**

**To:** Chairman and Commission Members  
**From:** Development Services Department  
**Title:** Approval of Planning Commission meeting minutes of July 27, 2017  
**Background:** Minutes recorded for the Broken Arrow Planning Commission meeting.  
**Attachments:** Minutes of July 27, 2017  
**Recommendation:** Approve minutes of Planning Commission meeting held July 27, 2017  
**Reviewed By:** Larry R. Curtis  
**Approved By:** Michael W. Skates

LRC:kjf



## City of Broken Arrow

### Minutes Planning Commission

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

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

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Thursday, July 27, 2017

5:00 PM

Council Chambers

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#### 1. Call To Order

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

#### 2. Roll Call

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

#### 3. Old Business

None

#### 4. Consideration of Consent Agenda

Staff Planner, Amanda Yamaguchi presented the background for the Consent Agenda items. She explained that Staff would like to remove Item 4E. PT17-110, Preliminary Plat, Rose District Row Homes from Consent for discussion.

Lee Whelpley explained the Consent Agenda and asked if anyone wished to remove any items for discussion.

##### A. [17-2442](#) **Approval of Planning Commission meeting minutes of June 22, 2017**

MOTION by Fred Dorrell to approve Consent Agenda Items 4A., 4B., 4C., and 4D., per Staff recommendations. The motion was seconded by Carolyne Isbell-Carr. The motion carried by the following vote:

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

##### B. [17-2443](#) **Approval of Planning Commission meeting minutes of July 13, 2017**

MOTION by Fred Dorrell to approve Consent Agenda Items 4A., 4B., 4C., and 4D., per Staff recommendations. The motion was seconded by Carolyne Isbell-Carr. The motion carried by the following vote:

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

##### C. [17-2431](#) **Approval of BAL-2025, Stacy Lynn Fifth Reserve Lot Split, 1 Lot, 0.38 acres, north the northeast corner of Washington Street and Aspen Avenue**

MOTION by Fred Dorrell to approve Consent Agenda Items 4A., 4B., 4C., and 4D., per Staff recommendations. The motion was seconded by Carolyne Isbell-Carr. The motion carried by the following vote:

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

D. [17-2415](#) Approval of PT17-109, Preliminary Plat, Ronda Norton Center II, 1 lot, 4.55 acres, PUD 94/CG to PUD 94S-1/CH, one-half mile south of Omaha Street, one-quarter mile east of Aspen Avenue

MOTION by Fred Dorrell to approve Consent Agenda Items 4A., 4B., 4C., and 4D., per Staff recommendations. The motion was seconded by Carolyn Isbell-Carr. The motion carried by the following vote:

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

E. [17-2434](#) Approval of PT17-110, Preliminary Plat, Rose District Row Homes, 7 lots, 0.56 acres, PUD 241/R-3 to PUD 263/DF, northeast corner of N. Cedar Avenue and W. Elgin Street

MOTION by Ricky Jones to remove Item 4E. PT17-100, Preliminary Plat, Rose District Row Homes from the Consent Agenda. The motion was seconded by Mark Jones.

#### 5. Consideration of Items Removed from Consent Agenda

E. [17-2434](#) Approval of PT17-110, Preliminary Plat, Rose District Row Homes, 7 lots, 0.56 acres, PUD 241/R-3 to PUD 263/DF, northeast corner of N. Cedar Avenue and W. Elgin Street

Michael Skates said he asked that Item 4E, be removed from Consent to bring awareness of item 10 from the checklist for this Preliminary Plat. He said this plat was discussed at TAC (Technical Advisory Committee) earlier in the week. He said Staff will be working on the appropriate language to handle the overland drainage/stormwater runoff from the channel in the floodplain overflow area. He said this is a unique property where a portion of the floodplain comes up into the property which will require a unique engineering design and hydraulic analysis to address areas underneath lots five, six and seven, where the houses will be built into the floodplain but will be elevated above the 100-year elevation so the houses will be on piers. Typically, the floodplain is put in an overland drainage easement of a reserve and there are no structures, fill or anything else allowed; however, in this unique situation Staff will need to work with the applicant to get appropriate language to share with the Planning Commission at the Conditional Final Plat stage. He said the applicant is present if the Commissioners have questions.

Ricky Jones asked if when the motion is made if this item needed tabled or approved subject to Staff working out the appropriate language to put in the plat.

Michael Skates said no. He said the information was stated to keep the Commission aware of the concerns with this plat.

Brent Murphy said Staff will add the item to the checklist to say, will work with applicant to develop appropriate language regarding the floodplain.

Ricky Jones asked if Dave Sanders, the applicant agreed to this. Dave Sanders, who was in the audience, indicated agreement from the back of the Council Chambers.

MOTION by Ricky Jones to approve the Preliminary Plat for Rose District Row Homes, subject to the applicant and Staff working together to determine the appropriate language regarding the floodplain and the structures in the floodplain and all other checklist items that have been presented on the checklist. The motion was seconded by Fred Dorrell. The motion carried by the following vote:

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

## 6. Public Hearings

**A. [17-2408](#) Public hearing, consideration, and possible action regarding PUD 94S-1 (Planned Unit Development) and BAZ 1983 (rezoning), expansion of Jim Norton Chevrolet, 4.55 acres, CG/PUD 94 to CH/PUD 94S-1 and abrogation of PUD 94-O, one-half mile south of Omaha Street, one-quarter mile east of Aspen Avenue**

Brent Murphy presented the background for Item 6A saying, Planned Unit Development (PUD) 94S-1 consists of 4.55 acres located one-half mile south of Omaha Street, one-quarter mile east of Aspen Avenue. In conjunction with PUD-94S-1, BAZ-1983 a request to rezone the same property from CG to CH, has also been submitted.

Mr. Murphy said this property abuts Jim Norton Chevrolet, which is immediately to the west of this property. Jim Norton Chevrolet wants to expand and as a result have submitted PUD 94S-1 and BAZ-1983. The PUD submitted is very similar to what was submitted and approved previously with PUD-94S.

As part of this PUD, there will not be any type of access onto Granger Street, to the north. Access to this property will occur off of Albany Place, as well as through the center part of the property. This property is designated as Level 6 in the Comprehensive Plan and CH zoning is considered to be in compliance with Comprehensive Plan in Level 6.

Brent Murphy said, based on the Comprehensive Plan, the existing zoning, the location of the property and surrounding land uses, Staff recommends that BAZ-1983 and PUD-94-S-1 be approved, subject to the property being platted. He the Preliminary Plat was on the Consent Agenda that was just approved. He said there was a previously approved PUD, PUD-94-O, and Staff recommends that this PUD be abrogated.

Lee Whelpley asked if the applicant was present and to step to the microphone and state his/her name and address for the record.

Ted Sack, Sack & Associates, Sack & Associates, 3150 E. 41st Street, Tulsa, said his application is for an extension of the dealership and is for parking, mainly for the maintenance building, and is in agreement with Staff recommendations.

Lee Whelpley opened the public hearing for Item 6A. and asked if anyone wished to speak on this item. No one responded. Lee Whelpley closed the public hearing.

After the vote, Lee Whelpley said this item will be heard by City Council on August 15, 2017, at 6:30 p.m.

MOTION by Fred Dorrell to approve Item 6A, PUD-94S-1 and BAZ-1983, per Staff recommendations. The motion was seconded by Mark Jones. The motion carried by the following vote:

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

**B. [17-2433](#) Public hearing, consideration, and possible action regarding SP-282 (Specific Use Permit), Kirkland Activity Complex, 24.10 acres, R-3, west of 9th Street and one-half mile south of Kenosha Street.**

Staff Planner, Amanda Yamaguchi presented the background for Item 6A, SP-282, Kirkland Activity Complex saying SP-282 is a request for a Specific Use Permit for a school sports complex for Broken Arrow Public Schools. The property is zoned R-3 and is located west of 9th Street and one-half mile south of Kenosha Street.

Ms. Yamaguchi said the property associated with this proposed sports complex was previously the site of North Intermediate High School, which was demolished in 2016. The gymnasium and auditorium will remain and will be used in conjunction with the sports complex. A site plan for Kirkland Activity Complex was approved for this property in May of 2017.

Amanda Yamaguchi said a total of 50-feet of right-of-way has been dedicated along the north 267-feet of frontage along 9th Street. The remaining 477.70-feet has a total of 38-feet of right-of-way dedicated. 9th Street is designated as a secondary arterial street in the Comprehensive Plan, which requires an ultimate right-of-way of 100-feet, or 50-feet on each side of the centerline of the street. No utility easement has been provided for the north 267-feet of frontage along 9th Street. A 12-foot utility easement has been dedicated along the south 477.71 feet of frontage along 9th Street. 17.5-foot utility easements are required along arterial streets per the Subdivision Regulations.

Ms. Yamaguchi said based on the Comprehensive Plan, the location of the property, past history of the property, and the surrounding land uses, Staff recommends that SP-282 be approved and platting be waived, subject to right-of-way and utility easements being dedicated along 9th Street in accordance with the Subdivision Regulations.

Lee Whelpley asked if the applicant is present and to step to the podium to state their name and address.

Bob Tolomeo, Director of Construction, Broken Arrow Public Schools, 201 N. Main, said they are in agreement with Staff recommendations. He said the site is the former North Intermediate High School site and will be used for two turf soccer fields and will have the auditorium and gymnasium re-opened.

Lee Whelpley opened the public hearing and asked if anyone wished to speak on Item 6B., SP-282.

Phil Arnold, 316 N. 6th Street said he lives near the proposed complex and is concerned about the streets and traffic. He asked if the road will be widened.

Larry Curtis, said some initial work along Lynn Lane is occurring and the road will be widened from Kenosha to Houston. He said this work is not just utility work occurring. He said the City is looking at doing some additional work on some of the secondary roads in the downtown area; however, there are no definitive plans to do so at this time.

Mr. Arnold asked Mr. Curtis if there is a time frame for when the secondary roads will be built.

Mr. Curtis said he did not know but told Phil Arnold to provide his information to him and or Staff and he would have engineering and construction contact him with more information.

Phil Arnold asked where parking will be for the complex.

Larry Curtis the original parking area, next to the auditorium, will remain and be repaved. Additional parking will be to the east side of the auditorium that they are adding onto (he referenced a site plan map).

Mr. Arnold asked if the parking will be adequate to handle the amount of traffic. Larry Curtis said the site plan has been reviewed and it meets the requirements.

Lee Whelpley asked if anyone else wished to speak on this item. No one responded.

After the vote, Lee Whelpley said this item will be heard by City Council on August 15, 2017 at 6:30 p.m.

MOTION by Ricky Jones to approve SP-282, per Staff recommendations. The motion was seconded by Fred Dorrell. The motion carried by the following vote

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

Prior to hearing item 6C. Larry Curtis introduced Jane Wyrick, saying Jane joined the Plan Development Division as a Planner II. He said she just graduated from the University of Oklahoma with her Master's Degree in Urban City Planning. Prior to that, Jane worked for the City of Fulton, California, as a Planner for seven years and previously worked as a Planner in Rhode Island for one year and one-half. He said she has her AICP designation and Staff and the City are excited to have Jane join the team. He said she is an amazing and dynamic individual who will be adding a new flare to our Plan Development division and we are glad to have her.

All Planning Commission members welcomed Ms. Wyrick.

C. [17-2435](#) **Public hearing, consideration, and possible action regarding SP-283 (Specific Use Permit), Beehive Homes of Broken Arrow, 2.60 acres, R-2, north of West Washington Street, one-third mile east of South Olive Avenue**

Jane Wyrick, Planner II, provided the background for Item 6C. saying, SP-283 is a request by Beehive Homes of Oklahoma for a specific use permit for an assisted living facility to be located at 3200 West Washington Street; north side of Washington Street and one-third mile east of Olive Avenue. She said a Specific Use Permit is required for an assisted living facility in an R-2 zoning district, and this facility is required to abut an arterial street, which Washington Street is. There have been previous Specific Use Permits approved for this site for a church and school; however, those permits expired when conditions were not met within a year.

Ms. Wyrick said this site consists of two lots. Reserve 'A' is an open space and includes a utility easement that was platted as part of the Copper Creek Park plat that is north of the site. There are deed restrictions on this Reserve that precludes development there. Reserve 'A' was later deeded over to the owner of the project site where the assisted living facility is proposed. Also, in 1998 the City Council approved the Conditional Final Plat for the Gilgal Addition that established one lot - lot one, block one and is the site for the assisted living facility. Gilgal plat includes 40-foot utility and landscape easements along both, the east and west boundaries of the site and Reserve 'A' provides a buffer along the north boundary. Also included in the plat are limits of no access that were established along the Washington Street frontage and per the plat, those can be amended by the Planning Commission should the applicant apply for the through a separate process.

Ms. Wyrick said the preliminary site plan meet the front and side setbacks and these setbacks are also consistent with the easements that exist on the site. The survey for the plat does show the two separate lots, Reserve 'A' and Lot One; the two separate lots are not currently showing on the site plan and in discussing this with the applicant, he acknowledged the need to revise the site plan to reflect the two separate lots. The applicant will also be working with his designers to revise the plan accordingly and possibly using the rear 35-foot setback for utilities, a detention area and possibly parking, so we do expect some modification to the site plan.

Jane Wyrick said Lot One is designated as Urban Residential and Reserve 'A' is designated as Greenway in the Comprehensive Plan. The proposed building is primarily a one-story building with a small second story area building proposed for storage and a mechanical room and the building height will meet the building height of 35 feet, the maximum height allowed for this zoning district.

No signs are proposed at this time. Per the zoning code they are allowed 32 square feet in sign area and 8 feet in height. Should they decide to increase that, they would have to amend their specific use permit. Ms. Wyrick said parking and landscaping will meet the requirements for the zoning in this area and the landscaping will provide a buffer between this site and the adjacent residential planned uses.

Jane Wyrick said Staff received one telephone call from a neighbor, in response to the public notice, whose property abuts this property, to the east, who voiced concerns on whether there would be pilings and what impact that could have. The caller was out of state and could not

make the meeting, but after speaking with him about the details of the project he felt more comfortable about this application.

Ms. Wyrick said based on the Comprehensive Plan, the location of the property, the past history of the property and the surrounding land uses, Staff recommends that SP-282 be approved subject to two conditions. 1. The rear 25 feet remain as open space and 2. The landscaping include a vegetation buffer between the project site and the adjacent residential uses.

Ricky Jones said the site plan looks like it did a good job establishing a buffer or a landscaped area from the north and the east, even though there most likely won't be any issues from an assisted living area like this.

Lee Whelpley opened the public hearing for Item 6C and asked if anyone wished to speak to Item 6C.

Jane Wyrick said the applicant is present if there are questions, as well.

Jim and Robin Tillman, Broken Arrow asked if the property owner is to maintain the easement on the west side of the property. Jane Wyrick indicated, yes. They said there is a tree line there currently and they would like them to remain if possible. Robin Tillman asked if the 25 feet from fence line will be maintained as greenspace.

Jane Wyrick said from the north and 40 feet from the west. On the west shows as a utility easement. The east is shown as a landscape easement. She said they will not be building within the easement area either.

Robin Tillman asked if the utility and landscape easements will be maintained as well. Jane Wyrick said yes.

Robin Tillman said another concern is lighting. Larry Curtis said per the zoning ordinance, light cannot shine from a commercial use onto a residential area and area highly regulated. There is a lamination maximum that can only be allowed on their property that must dissipate from their property as it goes out. Lighting will be reviewed within the site plan review.

Robin Tillman asked if the trees, that are currently on the site, if they will be maintained. Larry Curtis said that is a question for the applicant.

Ricky Jones said he might advise the Tillman's that there is landscaping in a utility easement and an easement is property owned but a utility company has the right to go onto that property and the utility company can maintain their lines even if it means cutting down trees. It can happen.

Lee Whelpley said he missed asking the applicant to come forward. He then asked the applicant to step forward and state their name and address for the record.

Alex Whitt, 242 West Highland, Park City, Utah said he is happy to answer the questions that

were raised or answer them after all people have voiced their concerns. Lee Whelpley asked Mr. Whitt if they had an opportunity to meet with the surrounding neighbors. Mr. Whitt said they have not met with the neighbors; however, they plan to before the City Council meeting. Lee Whelpley asked Mr. Whitt if he had anything to add.

Alex Whitt said Beehive Homes is an Assisted Living Franchise and the homes are all relatively small- anywhere from 16 to 22 beds. The company has been around since around 1990 and there are about 200 facilities across the country. The Staff is very attentive. He said he is an RN and his wife is an LPN and they have been owning and operating these facilities for the last seven years and have Staff at each facility to care for the residents. Part of the concept is having less residents, which allows better care and the Staff to better know their residents, in addition to knowing the neighbors really well. Meals are served family style to get people socializing and out of their rooms.

Mr. Whitt said they chose this area to start with and are looking into developing in the area of Tulsa and Fayetteville. The demographics are good and they love the area. The existing house will be removed and plans are to develop in two phases. Phase I will be an Assisted Living and the Activity Center, parking, and infrastructure in preparation of Phase II. The Activity Center will be used for those with limited mobility for church, birthdays or various activities including a place for the residents to get their hair done. He said Phase II will consist of the second 20 bed facility.

Ricky Jones asked if they are proposing any fencing or screen wall on the back.

Alex Whitt said in the past they have taken input from the neighbors to build a tall fence with trees, as the topic is open for input and they will try to work out something that will work for everyone. He said regarding potential noise impact, the noise will be minimal. The residents average ages are mid 80's with a bedtime between 6:30 or 7:00 p.m. If they have a party, it will take place at 3:00 p.m. when everyone else is still at work and they are over by dinner time.

Mr. Whitt said lighting will be to code. He said lighting is required on the back side, for emergencies. He said the lights, in the back, will be addressed with the neighbors, in addition they will be on timers so they can go off at seven o'clock at night. The lights shine down on the sidewalk and areas in emergency areas. He said he does not foresee any lighting that will shine up. There will be some sconces around the door way areas and some ballads next to the parking areas with illumination of what code allows.

Alex Whitt said the tree line is on a utility easement and if the power company does not do a good job of maintaining it then they will maintain it. He said, in fact, that can be a condition as part of the permit. He said they will have a maintenance crew that will take care of the grounds and they can add that to what they will be doing. He asked if there were any questions.

Lee Whelpley opened the public hearing and asked if anyone wished to speak on this Specific Use permit, SP-283.

Paul Hovorka, 2813 West Richard St., asked if once the plans are approved what happens if

the plans get changed and asked if the public will get notified again.

Larry Curtis said the only hearing will be for this specific use permit, through public notice for use of the property. The next step is to submit their site plan and staff will review that. The building and engineering plans are also reviewed in house.

Ricky Jones said if the plans are a significant change then the plans must come back to the Planning Commission but they pretty much need to stick with the plans that are being presented at this meeting here.

Michael Skates, Director of Development Services said Staff's concern is the same as Alex's, the protection of the neighborhood. Staff thinks this is a great use for this location. Lighting and landscaping will be worked out. If they do wall packs, they will have shields on them. Today's lighting is less obstructive to neighbors and adjacent properties than in years past. He said he believes this project will improve property values, it will have a good aesthetic look from the street. As the Commissioner said, if something significant changes, it will definitely have to come back to the Planning Commission.

Mr. Hovorka said he likes the plan and said he appreciated the effort to maintain the buffer.

Lee Whelpley asked if anyone else wished to speak to Item C. No one responded. He asked Mr. Whitt if he would like to add any information or rebut any of the comments.

Alex Whitt said when they meet with the neighbors they will address the fencing and gather their input. He said the fence will match the development and make it look like a house, that is part of the concept. He said in regards to changes to the plans, they don't see any changes to the plans. Changes can get real expenses and they have done enough of these developments to know what we want already without needing to make changes.

Lee Whelpley told Mr. Whitt that if this application is approved, it will be heard by City Council on August 15th so there will be time to set up meetings (with the neighbors).

Fred Dorrell suggested, to Mr. Whitt, when they speak with the neighbors and HOA's about the fence, to consider installing the fence to where it abuts the neighboring fence to avoid a gap. Weeds grow in the gap and can cause discontent with neighbors, etc. He said this could possibly be a selling point.

Larry Curtis said as information, maximum fence height allowed in Broken Arrow is eight feet.

After the vote, Lee Whelpley said this item will be heard by the City Council on August 15, 2017 at 6:30 p.m.

MOTION by Fred Dorell to approve Item 6C, SP-283, per Staff recommendations. The motion was seconded by Mark Jones. The motion carried by the following vote:

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

**7. Appeals**

None

**8. General Commission Business**

None

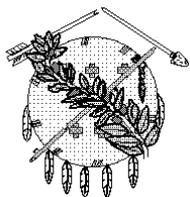
**9. Remarks, Inquiries and Comments by Planning Commission and Staff (No Action)**

None

**10. Adjournment**

MOTION by Carlyne Isbell-Carr to adjourn, at 5:42 p.m. The motion was seconded by Ricky Jones. The motion carried by the following vote:

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



# City of Broken Arrow

## Fact Sheet

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**File #:** 17-2440, **Version:** 1

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### Broken Arrow Planning Commission

08-10-2017

**To:** Chairman and Commission Members

**From:** Development Services Department

**Title:**

**Public hearing, consideration, and possible action regarding SP-284 (Specific Use Permit for animal sales and services including an animal training school) and abrogation of BAZ 1704, My Sonrise Stables, 101.02 acres, A-1, one-quarter to one-half mile south of Jasper Street, east of Olive Avenue**

#### Background:

**Applicant:** James W. Rusher of Albright, Rusher & Hardcastle  
**Owner:** Dave and Misty Yonce  
**Developer:** Dave and Misty Yonce  
**Engineer:** NA  
**Location:** One-quarter to one-half mile south of Jasper Street, east of Olive Avenue  
**Size of Tract** 101.02 acres  
**Number of Lots:** 1  
**Present Zoning:** A-1 and AG (Tulsa County)  
**Comp Plan:** Level 2

SP-284 is a request for a Specific Use Permit for animal sales and services including an animal training school. According to the application, My SonRise Stables, which operates on the property, is a training, boarding, and riding facility for horses. The property, which contains 101.02 acres is located one-quarter to one-half mile south of Jasper Street, east of Olive Avenue at 13401 S. 129<sup>th</sup> E. Avenue. While approximately 80 acres of the property is located in the City Limits of Broken Arrow and has A-1 (Agricultural) zoning, the rest of the property is located in an unincorporated area of Tulsa County and has AG zoning.

In May 2017, the City of Broken Arrow received a complaint concerning the horse stables located on the property and horse manure being deposited close to the residential subdivision to the north of the property. Upon investigating the complaint, it was discovered that commercial stable operations were occurring on the property and manure was being deposited along the north property line next to single family residential structures. A letter was sent to the property owner on June 16, 2017, directing them to come into compliance with the City of Broken Arrow regulations.

The property within the City Limits of Broken Arrow is currently zoned A-1, Agricultural, and is unplatted. Right-of-way and utility easements along Garnett Road have not been dedicated in accordance with the

Subdivision Regulations. Commercial animal sales and services, including an animal training school, are not permitted on this property without a Specific Use Permit. As directed in the June 16, 2017, letter, the property owner has submitted an application for a Specific Use Permit for training, boarding, and riding facility for horses.

Previously in late 2009 or early 2010, the City of Broken Arrow received a complaint about a large barn that had recently been constructed on the property. Staff investigated the site and found at that time a large barn that was being used just by the property owner and met the requirements of the Zoning Ordinance. Since that time, the operations on the property have been expanded.

According to information provided by the applicant, the large barn is located 450 feet from the north property line, 300 feet from the west property line along Olive Avenue, and 590 feet from the south property line. In addition to the large barn for horses, there is a 7,000 square foot auxiliary barn, a 5,000 square foot hay barn, and two outdoor arenas, of which one is lighted and has sound. In addition, information from the website for SonRise Stables references a 120 foot by 70 foot indoor lighted arena. One single family house is located on the property along with a personal family facility.

In reviewing aerial photographs, the large barn, hay barn, and one of the outdoor arenas were constructed sometime between 2008 and 2010. The auxiliary barn and second outdoor arena were added between 2010 and 2011. The single family residence was under construction in 2015.

Surrounding land uses and zoning classifications include the following:

North:	A-1, R-2, and RS-3	Undeveloped and Bentley III addition
East:	R-2, RS-3, and R-1	Bentley II addition and soccer fields
South:	AG (Tulsa County)	Large lot residential
West:	RS (Tulsa County)	Single family residential

A small portion (less than an acre) on south end of the property is located in the 100-year floodplain associated with the Arkansas River. The rest of the property is located outside the 100-year floodplain. The property is designated as “Level 2” and “Greenway/Floodplain” in the Comprehensive Plan.

Access to the property occurs from Garnett Road. There is a temporary turnaround on the north end of the property that serves S. Indianwood Avenue in the Bentley III addition. At the time this temporary turnaround was installed, the property associated with Bentley III and the property associated with SP-284 were under the same ownership. This temporary turnaround facility was required by the Subdivision Regulations because the stub street associated with S. Indianwood Avenue is more than one lot in length.

On February 20, 2006, the City Council approved BAZ 1704 to change the zoning on this property from A-1 to R-3S. BAZ 1704 was approved subject to the property being platted, which has not occurred.

**Attachments:** Case map  
Aerial photo  
Comp Plan  
Drawing submitted by applicant  
September 10, 2016, aerial with 200 foot measurements  
April 24, 2014, aerial  
June 8, 2011, aerial

March 28, 2010, aerial  
April 14, 2008, aerial  
June 16, 2017, letter to David and Misty Yonce  
Applicable municipal regulations  
Website information on My SonRise Stables  
Website information on My SonRise Stables  
Case history map associated with BAZ 1704

**Recommendation:**

Based on the Comprehensive Plan, the location of the property, the history of the property, and the surrounding land uses, Staff recommends that SP-284, a request for animal sales and services including an animal training school for horses, be approved for the portion of the property located within the City Limits of the City of Broken Arrow, subject to the property being platted. Staff can recommend that platting be waived, provided right-of-way and utility easements are dedicated in accordance with the Subdivision Regulations (50 feet of right-of-way and 17.5 feet of utility easement) along Garnett Road. In addition, Staff recommends that SP-284 be approved for the portion of the property located within the City Limits of Broken Arrow subject to the following conditions:

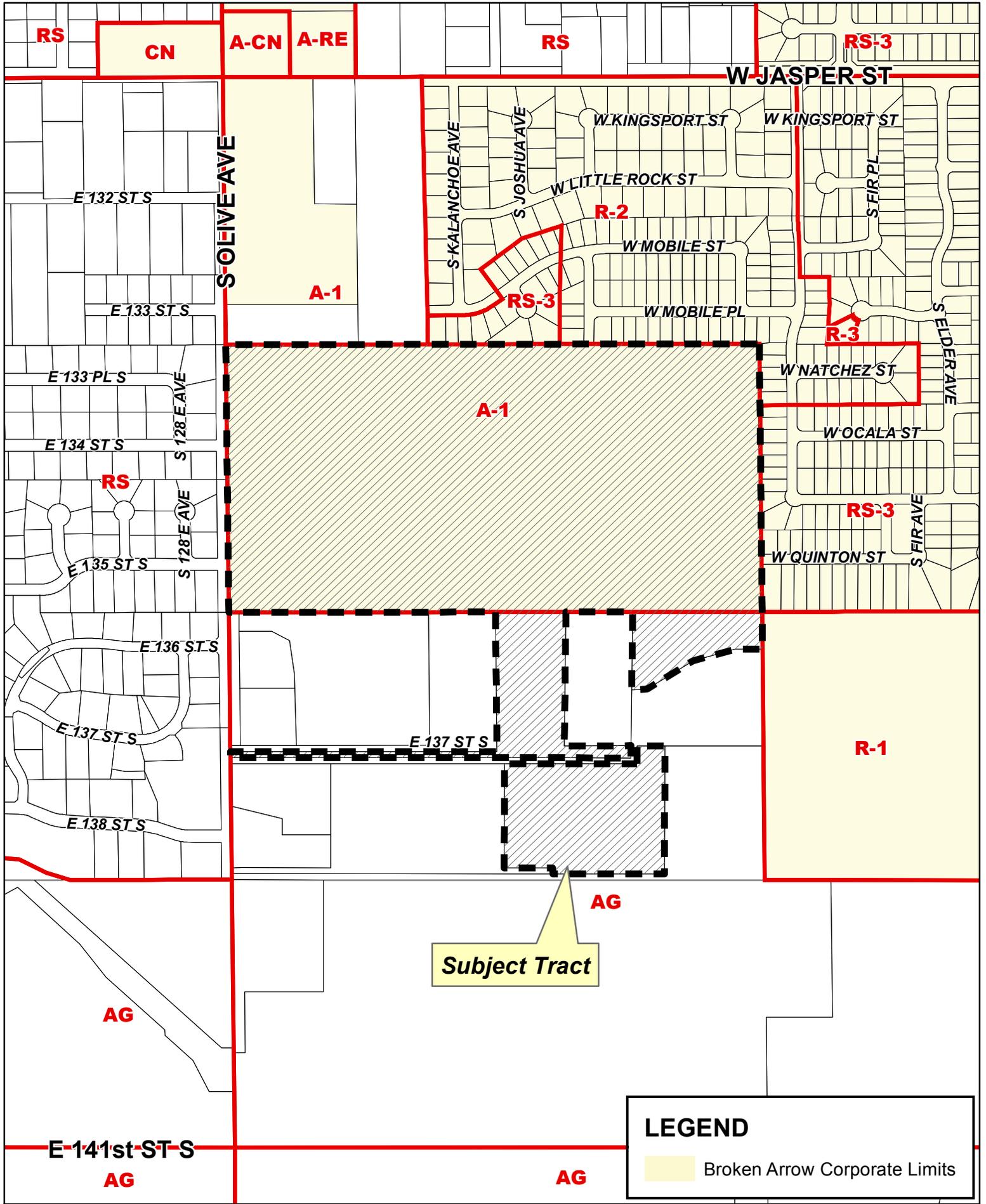
1. No animal manure that has been collected shall be deposited within 200 feet of the perimeter boundaries. The collecting and depositing of animal manure shall be handled in accordance with the City of Broken Arrow regulations.
2. All buildings used to house horses shall be located at least 200 feet from the perimeter boundaries as referenced in the Municipal Code.
3. All arenas shall be located at least 200 feet from the perimeter of the property.
4. Building permits shall be obtained prior to the construction of any new buildings. As part of obtaining a building permit, site plans shall be submitted to and approved by the City of Broken Arrow.
5. Except for emergencies, no access shall be allowed to S. Indianwood Avenue or W. Quinton Street.

In addition, Staff recommends that BAZ 1704 that was previously approved by the City Council be abrogated.

**Reviewed By: Larry R. Curtis**

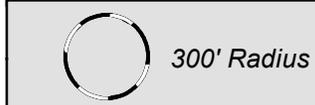
**Approved By: Michael W. Skates**

BDM

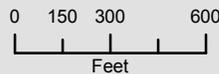


**LEGEND**

 Broken Arrow Corporate Limits



**SP-284**



09 17-14





Olive Avenue

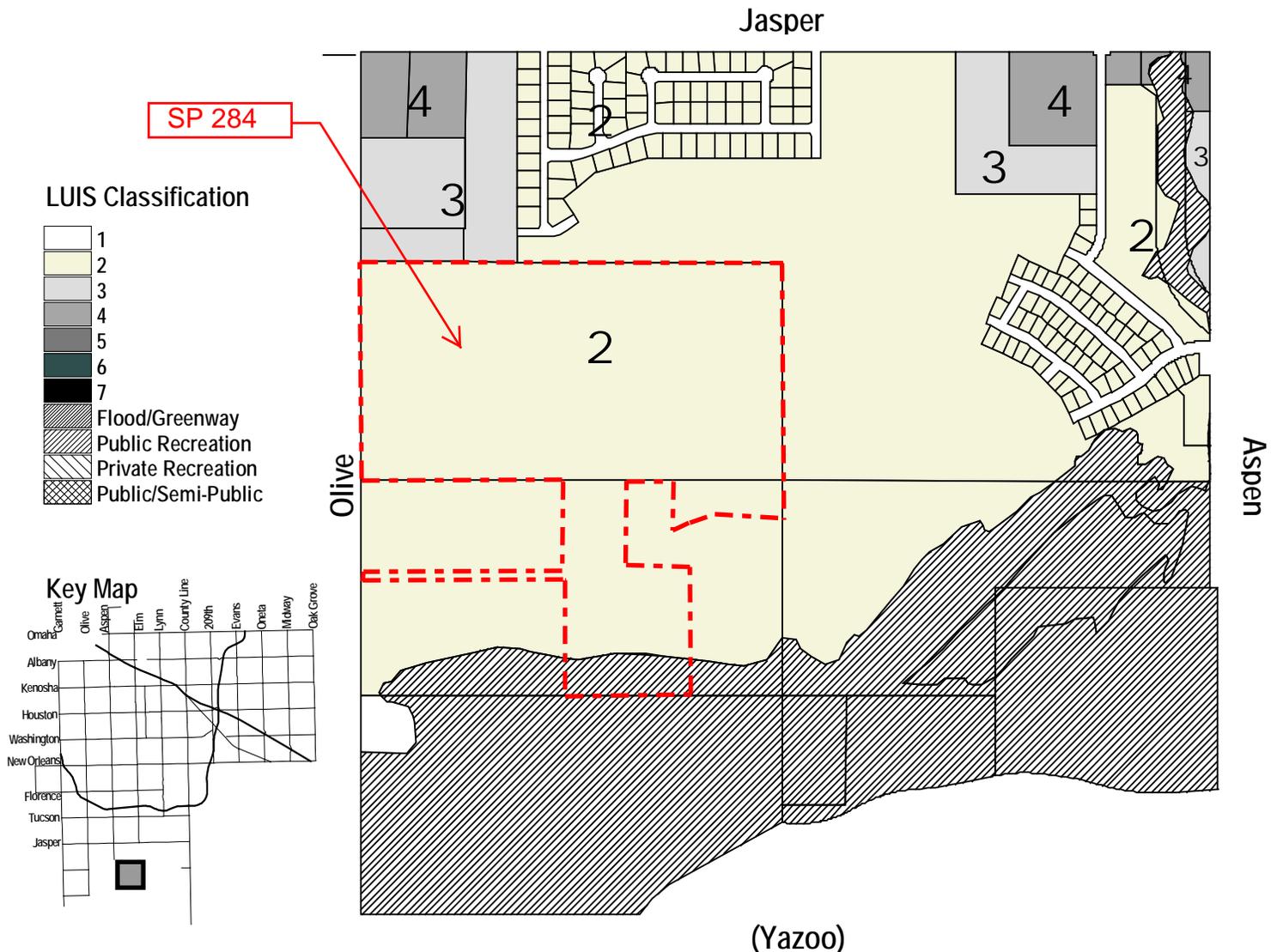
SP 284  
My SonRise Stables

500 250 0 500 Feet

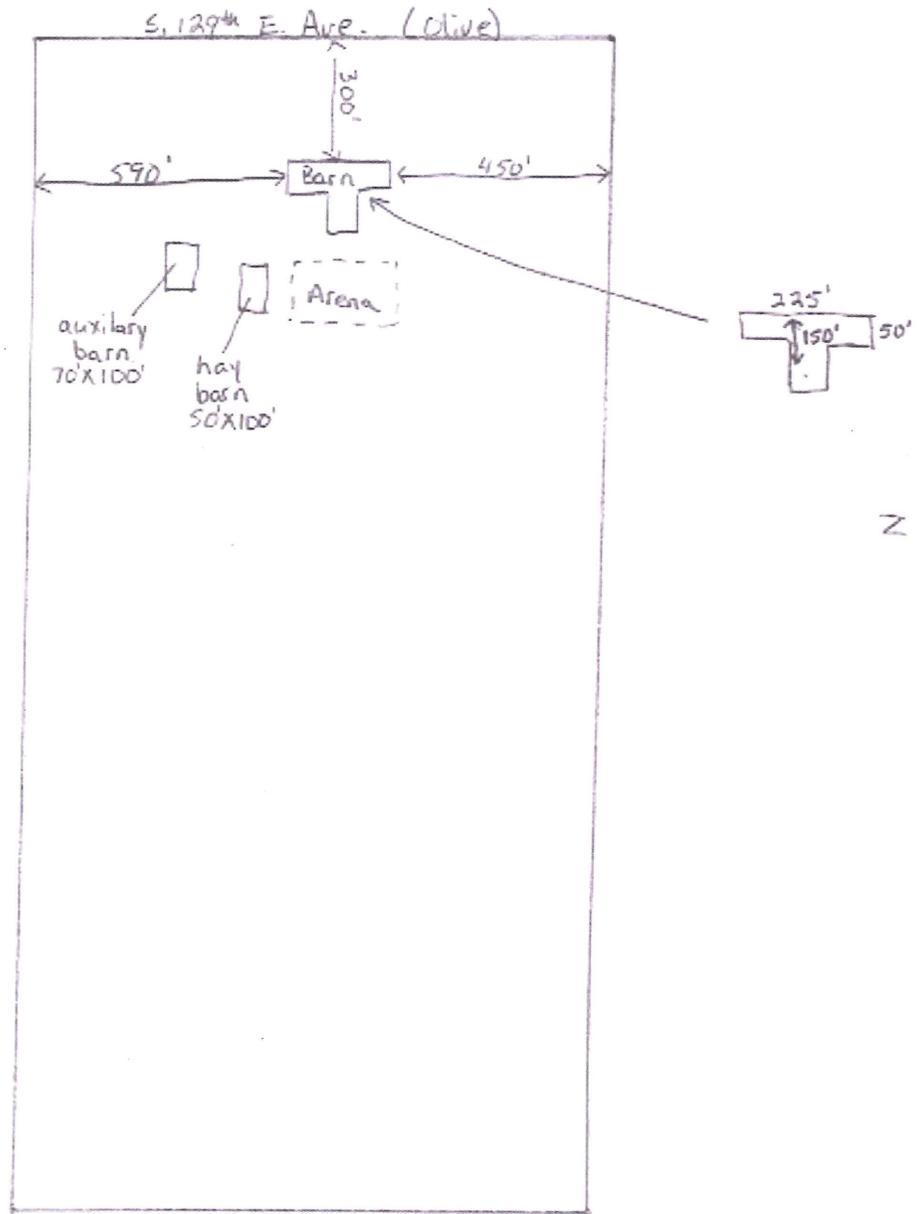


### Jasper/Aspen/(Yazoo)/Olive (Section 9-17-14)

Level 4 designations are given to the northeast corner based on existing zoning and to the northwest corner based on the LUIS model. A Level 3 designation is given to tracts adjoining the Level 4 area in the northeast corners consistent with existing zoning and the northwest corner consistent with the LUIS model as a buffer between Level 4 and Level 2 areas. Level 2 designations are given to remaining undeveloped, non floodplain lands in the section based on the anticipation of sanitary sewer service becoming available at some point in the future. Public recreation areas and floodplains are designated accordingly.



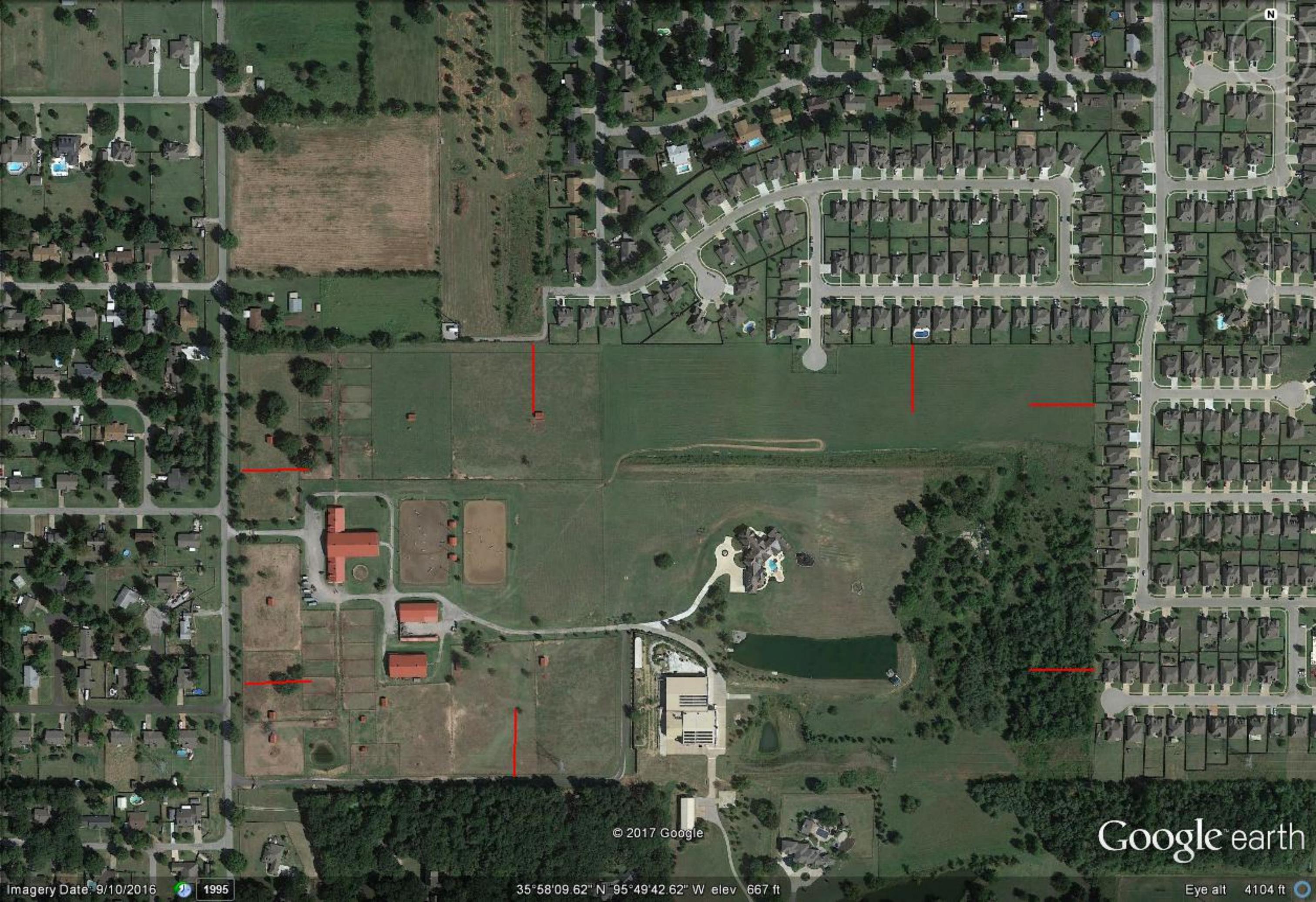
M



S

Z

M



N

© 2017 Google

Google earth

Imagery Date: 9/10/2016

1995

35°58'09.62" N 95°49'42.62" W elev 667 ft

Eye alt 4104 ft

4/2014

N

Image © 2017 DigitalGlobe  
© 2017 Google

Google earth

Imagery Date: 4/24/2014 1995

35°58'03.58" N 95°49'41.40" W elev 654 ft

Eye alt 4343 ft

6/2011



© 2017 Google

Google earth

Imagery Date: 6/8/2011



1995

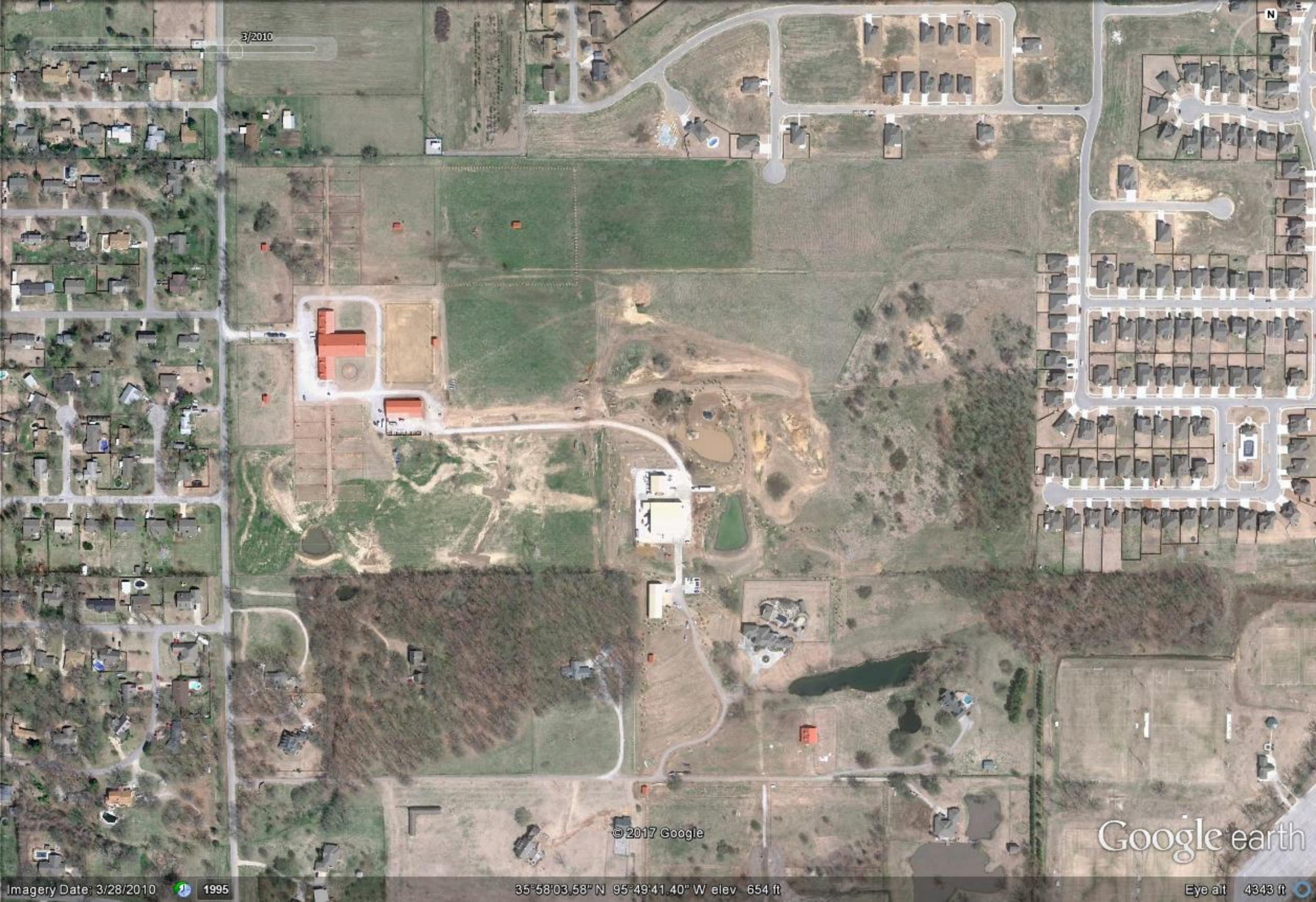
35°58'03.58" N 95°49'41.40" W elev 654 ft

Eye alt

4343 ft



3/2010



© 2017 Google

Google earth

Imagery Date: 3/28/2010 1995

35°58'03.58" N 95°49'41.40" W elev 654 ft

Eye alt 4343 ft

5/2008



Image USDA Farm Service Agency  
© 2017 Google

Google earth

Imagery Date: 4/14/2008

1995

35°58'03.58" N 95°49'41.40" W elev 654 ft

Eye alt 4343 ft



June 16, 2017

David and Misty Yonce  
13339 E. 137 Street South  
Broken Arrow, OK 74011

RE: 13401 S. 129<sup>th</sup> E. Avenue, Broken Arrow, Oklahoma 74011

Dear Mr. and Mrs. Yonce;

The City of Broken Arrow has received a complaint concerning the horse stables located on your property at 13401 S. 129<sup>th</sup> E. Avenue, Broken Arrow, Oklahoma. Upon investigating the complaint, it was discovered that commercial stable operations were occurring on property and manure was being deposited along the north property line next to single family residential structures. The property is currently zoned Agriculture, A-1. Commercial animal sales and services are not permitted uses on this property without a Specific Use Permit.

For this property to become compliant you will need to:

1. Apply and be approved for a Specific Use Permit for Animal Sales and Services.
2. If the Specific Use Permit is approved by the City Council, it will be approved subject to the property being platted. On large parcels such as yours, the City Council will generally waive the platting requirement provided right-of-way and utility easements are dedicated in accordance with the Subdivision Regulations. For your property, this would require a right-of-way dedication of 50-feet in width from the section line along your entire Olive Avenue street frontage. In addition, 17.5 feet of utility easement dedication would be required adjacent to the outside boundary of the 50-foot right-of-way dedication.
3. Any new buildings will require site plan approval by City Staff.
4. The depositing of animal manure with 100 feet of your property boundaries shall cease immediately. In addition, the manure recently placed next to the north boundary shall be removed.
5. Building permits will be required to be obtained prior to the construction of any new buildings.

These items were discussed with your attorney James W. Rusher on June 13, 2017. A copy of the application for a Specific Use Permit was provided to Mr. Rusher, who has informed us that he intends to submit an application for a Specific Use Permit. This application needs to be submitted by July 3, 2017.

At meeting on June 13, 2017, we also discussed the temporary turn around easement on the north end of your property. This turn around easement, which measures 80 feet by 80 feet, is required by the City of Broken Arrow Subdivision Regulations. A fence can be placed around the boundaries of this easement, but the easement itself shall remain.

Please contact Mr. Larry Curtis, the Development Services Planning Division Manager, by July 3, 2017 to discuss bringing your property at 13401 S. 129<sup>th</sup> E. Avenue into compliance with the City of Broken Arrow Zoning Ordinance. Failure to do so will result in a cease and desist order being issued and/or further legal action by the City.

Respectfully,



Michael Skates, P.E., CFM  
Development Services Director  
City of Broken Arrow  
Phone: (918) 259-2400 ext 7337

cc: James W. Rusher, Attorney

Sec. 5-13. - Construction and maintenance requirements for stables or buildings used for keeping livestock or animals raised for fur-bearing purposes.

(a)

Every stable or building wherein any horse, mule, donkey, pony, cow, goat, sheep or animal raised for fur-bearing purposes is kept within the city shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

(b)

Every stable or building referred to in subsection (a), if located within 200 feet of any tenement or apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes, or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a watertight and flytight receptacle for manure, of such size as to hold all accumulations of manure. Such receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in such receptacle.

(Code 1970, § 3-7; Code 1977, § 5-13)

Sec. 5-14. - Disposition of manure.

Manure shall be hauled outside the city in a manner which does not jeopardize the public health, or shall be spread evenly upon the ground and turned under at once or as soon as the weather permits.



- ▶ Clean Custom barn with black twisted iron stalls.
- ▶ 120 x 70 indoor groomed lighted riding arena.
- ▶ 1 outdoor lighted arena with sound.
- ▶ 1 outdoor open arena.
- ▶ Indoor 2 bay Wash area.
- ▶ 12' x 12' Stalls with black twisted iron grilled stall fronts and sliding gates.
- ▶ Climate controlled tack room with tack boxes.
- ▶ Full restroom with shower.
- ▶ Raised isle ceilings for extra air flow.
- ▶ 80 Acres of privately owned riding area.
- ▶ 50 foot round pen.
- ▶ Large run in sheds for outdoor boarders.
- ▶ Secure Priefert gates and fencing.
- ▶ Gated entry for secure environment, access by code only.
- ▶ On Site Tack Shop.
- ▶ Indoor areas monitored via CCTV.

**Training:**

Lindsay Vander Woude

918-520-8824

Melissa Buffington

918-607-8916



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[Training](#)

[Facility](#)

[Calendar](#)

[Gallery](#)

[Links](#)

[For Sale](#)

SonRise Stables rests on 80 peaceful acres, conveniently situated in the quiet atmosphere and beautiful green countryside of South Tulsa, Oklahoma – only minutes off the Creek Turnpike. Our 120 x 70 indoor arena has a climate controlled viewing area for your family. Of our outdoor arenas, both the 150 x 250 lighted and the 130 x 250 offer viewing areas and judging stands.

SonRise Stables is a privately owned and privately maintained facility with friendly, experienced, on-site caretakers and handlers. As a private boarding facility, both local area clinics, and local mobile veterinarian services are available.

We specialize in Hunters, Jumpers, and Equitation. We attend both local schooling shows and regional rated shows. Our facility also welcomes riders of all disciplines.

SonRise Stables offers a friendly and clean environment for you and your horse with a touch of upscale class that is affordable. The Management and staff at SonRise Stables would like to extend a warm invitation to you and your equine friends for an extended stay at our #1 premiere facility.

BAZ 1704  
A-1 TO R-3S  
PC: 1/26/06  
CC: 2/20/06  
APPROVED SUBJECT TO PLATTING  
ORD #  
(9/7/4)

