

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

MemberCarolayne Isbell-Carr

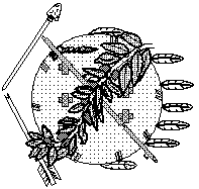
Member Mark Jones

Thursday, November 2, 2017	5:00 PM	Council Chambers
1. Call To Order		
2. Roll Call		
3. Old Business		
A. 17-2842	Approval of Planning Commission meeting minutes of October 12, 2017	
4. Consideration of Consent Agenda		
A. 17-2837	Acceptance of an Amendment to the Deed of Dedication and Restrictive Covenants for the Tee Town Golf Ranch Plat, located east of 37th Street, one-third mile south of Kenosha Street, Wagoner County, State of Oklahoma (Section 8,T18N, R15E)	
5. Consideration of Items Removed from Consent Agenda		
6. Public Hearings		
None		
7. Appeals		
None		
8. General Commission Business		
None		
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.**

City Clerk



City of Broken Arrow

Fact Sheet

File #: 17-2842, **Version:** 1

**Broken Arrow Planning Commission
11-02-2017**

To:
From: Chairman and Commission Members
Title: Development Services Department

Title: Approval of Planning Commission meeting minutes of October 12, 2017

Background:

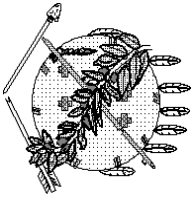
Minutes recorded for the Broken Arrow Planning Commission meeting of October 12, 2017 were continued by the Planning Commission in their meeting of October 26, 2017.

Attachments: Minutes

Recommendation: Approve minutes of Planning Commission meeting held October 12, 2017.

Reviewed By: Larry R. Curtis

Approved By: Michael W. Skates



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 Carolynne Isbell-Carr

Member Mark Jones

Thursday, October 12, 2017

5:00 PM

Council Chambers

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, Carolynne 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 stating, the applicants are in agreement with the Staff report for Item 4B and 4C and are present.

Lee Whelpley explained the Consent Agenda process and asked if anyone wished to remove any items for discussion. No one responded.

A. [17-2770](#)

Approval of Planning Commission meeting minutes of September 28, 2017

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

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

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

B. [17-2735](#)

Approval of BAL-2026, The Ridge at Broken Arrow Lot Split, 1 Lot, 28.1104 acres, east of 37th Street, one-third mile south of Kenosha Street

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

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

C. [17-2762](#)

Approval of PT12-111B, Conditional Final Plat, Starbucks at Aspen Creek, 1 lot, 1.42 acres, A-1 to PUD 220/CH, one-third mile east of Aspen Avenue,

north of Tucson Street

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

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

After the vote, Lee Whelpley said Item 4C would be heard by City Council on November 7, 2017, at 6:30 p.m.

5. Consideration of Items Removed from Consent Agenda

None.

6. Public Hearings

A. [17-2767](#)

Public hearing, consideration, and possible action regarding BAZ 1987 (rezoning), The Villas at Turnberry, 5.46 acres, CG to RS-4, south and west of the southwest corner of Dearborn Street and 37th Street

Senior Planner, Brent Murphy presented the background for Item 6A saying, BAZ-1987 is a request to change the zoning designation on a five and one-half acre tract of undeveloped land located south and west of the southwest corner of Dearborn Street and 37th Street from CG (Commercial General) to RS-4 (Single-Family Residential). He said BACP-160 was heard by the Planning Commission in their last meeting which was a request to change the Comprehensive Plan designation on the property associated with BAZ-1987 from Level 4 to Level 3, subject to the property being replatted. BACP-160 will be heard by the City Council on October 17, 2017.

Mr. Murphy said, according to FEMA maps, none of the property is located in a 100-year floodplain area. A conceptual site plan was provided with the application showing the use of an existing stormwater detention facility to the west which was already provided with the previously approved plat for this property.

Brent Murphy said BACP 160, a request to change the Comprehensive Plan designation from Level 4 to Level 3, will be heard by the City Council on October 17, 2017. The RS-4 zoning designation being requested with BAZ-1987 is in compliance with the Comprehensive Plan in Level 3. Therefore, based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended that BAZ-1987 be approved, subject to the property being replatted and City Council approval of BACP-160.

Lee Whelpley asked if the applicant was present and to come forward to state their name and address for the record.

Andrew Shank, Eller & Detrich, 2727 E. 21st Street, Ste. 200, Tulsa said he represents the applicant for the application and Staff summarized the application well. He referenced the aerial picture, provided with the Staff report, and said the rezoning case is the companion case to the Comprehensive Plan application. The rezoning request conforms to the Comprehensive Plan and the character of the residential zoning matches surrounding land uses. The commercial strip of property, along the outside, will be preserved for mixed-use development. Mr. Shank said he reached out to the young lady who spoke at the Comprehensive Plan hearing and has not heard

back from her.

Ricky Jones said the concerns at the last meeting pertained more to drainage type issues - keeping water in the pond, and the Commission informed the speaker that those concerns would be addressed at the platting stage via the engineering review.

Mr. Shank agreed and said he spoke with the young lady after the Planning Commission meeting and encouraged her to appear at the Council meeting as well. He said he told her, her concerns would be addressed at the platting stage through the engineering.

Lee Whelpley opened the public hearing and asked if anyone wished to speak regarding Item 6A, BAZ-1987. No one responded. Lee Whelpley closed the public hearing.

After the vote, Lee Whelpley said Item 6A will be heard by City Council on November 7, 2017, at 6:30 p.m. and anyone wishing to speak must fill out a request to speak form prior to the meeting.

MOTION by Fred Dorrell to approve Item 6A, per Staff recommendations. The motion was seconded by Mark Jones. The motion carried the following vote:

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

B. [17-2750](#) Public hearing, consideration, and possible action regarding BAZ 1988 (rezoning), Legacy Futsal, 2.41 acres, A-1 to CG, one-quarter mile north of Houston Street and one-quarter mile east of 23rd Street, south of the Broken Arrow Expressway

Staff Planner, Amanda Yamaguchi presented the background for Item 6B saying BAZ-1988 is a request to rezone 2.41 acres from A-1 (Agricultural) to CG (Commercial General). The property is located one-quarter mile north of Houston Street and one-quarter mile east of 23rd Street, south of the Broken Arrow Expressway. The property was platted in Wagoner County as the Couch Addition on January 31, 1958 and later annexed into the City of Broken Arrow on October 6, 1986.

Ms. Yamaguchi said the property was brought to the attention of the Plan Development Division by the Fire Marshal, after an inspection of the facility revealed that it did not meet code requirements for an indoor sports facility, for which it was being used. The current A-1 zoning on the property allows Indoor Sports Facilities with a Specific Use Permit, however; with the property being in Comprehensive Plan Level 6 and the potential reuse of the facility for commercial uses, the applicant proposes to rezone the property to Commercial General. Since the property was originally platted in Wagoner County, replatting will be required. The applicant has been working with the Fire Marshal to bring the facility into code compliance while the zoning and platting requirements are being addressed.

Amanda Yamaguchi said according to the FEMA maps, none of the subject property is located in the 100-year floodplain. The City of Broken Arrow provides Water and Sanitary Sewer. The property is designated as Level 6 in the Comprehensive Plan and CG zoning is considered to be

in accordance with the Comprehensive Plan in Level 6.

Ms. Yamaguchi said based on the Comprehensive Plan, the location of the property, and surrounding land uses, Staff recommends that BAZ-1988 be approved, subject to the property being replatted.

Lee Whelpley asked if the applicant was present and to come forward to state their name and address for the record.

Justin Geztnez, 2913 West Boston Street said he is in agreement with Staff recommendations and had nothing to add.

Lee Whelpley opened the public hearing and asked if anyone wished to speak regarding Item 6B, BAZ-1988. No one responded. Lee Whelpley closed the public hearing.

After the vote, Lee Whelpley said Item 6B will be heard by City Council on November 7, 2017, at 6:30 p.m. and anyone wishing to speak must fill out a request to speak form prior to the meeting.

MOTION by Mark Jones to approve Item 6B, per Staff recommendations. The motion was seconded by Carolynne Isbell-Carr. The motion carried the following vote:

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

C. [17-2729](#) **Public hearing, consideration, and possible action regarding PUD 266 (Planned Unit Development) and BAZ 1986 (rezoning), Centennial Crossing, 19.64 acres, A-1 to PUD 266/RM, east of N. Elm Avenue, one-quarter mile south of Omaha Street**

Brent Murphy presented the background for Item 6C saying, Planned Unit Development (PUD) 266 and BAZ-1986 involve a 19.64-acre undeveloped tract located east of Elm Avenue, one-quarter mile south of Omaha Street. Applicant requests the zoning on the unplatted property be changed from A-1 to PUD 266/RM (Multi-family Residential).

Mr. Murphy said City Council approved BACP-146 to change the Comprehensive Plan designation on the property from Level 2 to Level 3, subject to the property being platted and a PUD being submitted that was similar in context to the draft PUD submitted with BACP-146. He said the Staff report shows a table showing what zoning requires and what the draft PUD stated at the time of the Comprehensive Plan application.

Brent Murphy said the area will be divided into two development areas; Development A and Development Area B. He said Area A will be the larger area on the west side of the property and Area B will be a smaller area located to the east. The height of buildings for the development will be limited to three-stories. Development Area A, within 100 feet of the north, east and west boundary, building height will be limited to two-stories. Development Area B will be limited to a height within 100 feet of the east boundary to two-stories and everything else will be limited to three stories.

Mr. Murphy said part of the design regulations request 65% brick or masonry rock exterior within 150 feet of the north and west boundary of Development Area A. They request 65% brick or masonry rock exterior for Development Area B to be within 100 feet of the west boundary or 50 feet of the north boundary. All other walls shall be constructed of not less than 25% of brick or masonry rock. He said sidewalks will need to be constructed in accordance with Subdivision Regulations. In addition, a sidewalk will be constructed by the developer along the side of the proposed road extension where the extension directly abuts the Broken Arrow Public School property. The sidewalk will be constructed at the same time as the road extension along the north property line.

Brent Murphy said the last item to bring attention to is the request for a 35-foot wide landscape buffer area, per the Zoning Ordinance, which will be required around the perimeter of Area A except for the south boundary which will be reduced from 35 feet to 25 feet. In Development Area B where it abuts the detention facility, to the north, and along the east boundary, the landscape area will be reduced from 35 feet to 25 feet. He said everything else will require 35 feet landscape boundary.

Mr. Murphy said, according to FEMA maps, none of the property is located within a 100-year floodplain area. He said a stormwater detention facility will be shared with the Broken Arrow School District and will be designed to accommodate the needs of the multi-family development, as well as the future single-family detached development being proposed to the south and east.

Brent Murphy said BACP-146, requesting to change the Comprehensive Plan designation from Level 2 to Level 3 was approved by the City Council on September 15, 2015, subject to the property being platted, and a PUD being submitted that was similar in context to the draft PUD submitted with BACP-146. The RM zoning requested with BAZ-1986 is considered to be in conformance with the Comprehensive Plan in Level 3. The design statement submitted with PUD-266 is similar in context to the draft PUD submitted with BACP-146. Therefore, based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-266 and BAZ-1986 be approved, subject to the property being platted.

Lee Whelpley asked if a fence is proposed along the school property. Brent Murphy said, the Zoning Ordinance does not require fencing and the PUD does not state any proposals for fencing.

Lee Whelpley asked if the applicant was present and to come forward to state their name and address for the record.

Alan Betchan, AAB Engineering, 210 N. McKinley, Sand Springs said Staff explained the proposal well and said the application is an implementation of the Comprehensive Plan that was previously approved in 2015. He said two development areas are proposed for road connectivity reasons. The proposed road must connect to the east and must do that by going south which will divide the property by default. He said the division will also help differentiate the area of the multi-family area and the future development.

Mr. Betchan said they are working out details for the collector street extension which will be handled through the platting process. He said the project has unique characteristics due to an existing detention facility that must be modified and combined; however, it will be the best way to handle the runoff from the properties in total. The concept design appears to be more of a regional detention which is a more preferable stormwater design.

Lee Whelpley asked if there are any plans to construct a fence to separate the multi-housing area from the elementary school.

Alan Betchan said there have been no discussions regarding a fence. He said a boulevard street will be constructed and is planned for the school to use as a bus route. There have been extensive conversations with the school regarding the detention facility and he does not know if the school would want a fence or if a fence would be appropriate because of the separation created by the creation of the boulevard. He said the intent for the street is to provide a divided median, with an architectural landscape feel to it.

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

Debra Limon, 3301 N. Elm Avenue, Apartment 503, said she resides in the apartment complex to the south of the proposed apartments and is in favor of the application. She said often there are arguments against apartments saying the occupants will be criminals and those who cannot afford housing. She said criminal and financial checks are required on tenants of the apartments, making for a safe living area and ensuring that tenants are able to afford the rent. Three types of people usually reside in the type of apartments being proposed: elderly people who don't want to worry about maintenance issues; younger people who want to save money to buy a house later; and the most prevalent at Crown Village are those who are new to town who stay for a shorter time while they decide where they want to live within the City and where they want to build.

Ms. Limon said she has lived in the area for two years with no problems. She said the area is quiet and well kept. They do not allow smoking and they keep track of the number of pets. She said the apartments are very nice and do not depreciate surrounding areas. Ms. Limon said she is in favor of the proposed project.

Lee Whelpley asked if anyone else wished to speak on Item 6C.

Ed Leinbach, 2104 S. Madison, said is supportive of the proposed application and feels it is good use of the property. The application for the project was originally started with the help of Mr. Leinbach; however, it is not a good time for his company to proceed with it. He asked the Commission to consider looking at two items listed in the P.U.D. One, the 35' landscape buffer to 25'. Traditionally the City has required a 35' buffer around apartments and without knowing who will be going in next to the proposed project, the 35' requirement should be followed.

Mr. Leinbach said his second concern is regarding the length of the buildings. Whomever

develops the property next to the proposed property will submit a site plan drawing and they should have to request a variance if they desire a different building length rather than the 200 and 160 feet requirement within the PUD. He said if that is not done, then the next applicant will have to request a variance from the variance.

Erin Dewin, 524 E. Helena Street, said she is not in favor of the proposed project. She said she is concerned about traffic and that additional traffic will travel through her neighborhood of Country Lynn Estates via the proposed road. She said she is concerned about safety in the housing neighborhood from the additional traffic. In addition, she said she is concerned about sex offenders living in apartments next to the school and that not all tenants receive background checks.

Joyce Summers, 100 E Kansas Street, said she is concerned about the drainage, traffic safety and privacy. She said the current detention pond overfills and causes flooding issues. She said she has had to call the police for people parking in her yard. Ms. Summers also voiced concerns about lack of privacy from the height of the proposed apartments and said she is opposed to the project.

Nicole Arns, 3301 N. 4th Street, voiced concerns about traffic, safety and noise. She said she is concerned about children walking to school and the addition of traffic to her neighborhood of Country Lynn Estates. She said she would prefer that a fence be built.

Lee Whelpley asked if anyone else wished to speak on Item 6C. No one responded. Mr. Whelpley closed the public hearing and asked if the applicant wished to provide a rebuttal to some of the concerns.

Ricky Jones had a question for Staff while the applicant walked to the podium. He asked if his memory was correct in that the apartments, proposed here, are already approved to be built at this location, per a PUD.

Brent Murphy said a Comprehensive Plan case took place in 2015, with a draft PUD that Planning and Council approved, subject to platting and a similar PUD. The applicant, as they got into further design, provided a PUD similar to the one with the Comp. Plan application.

Ricky Jones asked if the Comprehensive Plan change supports the building of apartments. Brent Murphy said yes.

Mr. Ricky Jones said he remembered discussion about the road going to the east, when the Comprehensive Plan Change was heard. He said he thought that was a requirement by the City and that is why stub streets were added, for that particular flow, with the PUD. Brent Murphy said yes, there was discussion along those lines. Mr. Murphy said they do propose to have single-family residential; however, they have not gotten that far with their design plans.

Alan Betchan said regarding the access, the streets will be required to have access to the east. He said there has been a lot of discussion on how to make the most of the connection with the most sense, to the east. Original discussions centered on the idea of connecting from the north;

however, there is a significant drainage way due to a pond connection from the school to the north. In addition, the physical constraints to get across that area without impacting the drainage. The solution was to look at the whole drainage problem, and fix the existing problem in the northeastern corner of the subdivision and bring the road down, bringing connectivity to the south which would allow the road to integrate into the neighborhood to the south and east as it develops.

Mr. Betchan said the application before the Commission does not involve anything out of the Level 2 designation. He said there is an extension of the road opening to the subdivision today, and will be addressed after a zoning case because that land will presumably not be used as Agricultural land.

Alan Betchan said the differences in the PUD from the normal zoning regulations are not that different. He said they are not varying the articulation requirements of the buildings which are very rigid standards, and they will still be in effect for the 200' buildings. The reality for the current construction of apartments, for the level and number of apartments proposed, the longer buildings allow for the density, with the parking. He said this project will require a detailed site plan and elevation drawings which is no different than later, if changes wanted to be made to those, they would have to present those changes to the Planning Commission. Mr. Betchan said the PUD they are presenting for this application is in align with the draft PUD as well as several other PUD's that have been approved for apartments within Broken Arrow.

Mr. Betchan said in regards to the fencing concerns and separation, a large amount of green space is between the proposed area and the subdivision to the east. He said that is not within this application, and would be in a future application. The discussion of fencing would be more of a discussion between the school and looking at the boulevard. He said the school has never voiced a desire for a fence and they have been very involved in discussion about this project. He said he is not opposed to it; however, there would have to be more conversation with the school and they have not asked for it. He said it is not atypical to not have a fence between two developments.

Alan Betchan said as far as security concerns about kids walking to school, he would argue that they would be encountering less interactions with individuals in this configuration than if the plans were for a single-family neighborhood. The reality is, the road is a collector street with apartments that are inwardly focused, so walkers are not walking by every tenant's front door. He said from that aspect, it is a better connection for flow of students to and from school and the connection will be done in the future, not today.

Mr. Betchan said this application is the implementation of the discussion the Planning Commission had in 2015. He said this application brings forth the details as well as take care of the zoning as it is hard to market for apartments without the zoning in place. He said detailed site drawings and elevations will still be required to be reviewed by the Commission for final implementation of what the construction will be and this application helps begin the process for infrastructure development.

Ricky Jones said the PUD did not have a deviation for the articulation of 150'. He asked if Mr.

Betchan was sure there would be no need for a deviation that Mr. Leinbach spoke about.

Alan Betchan said they are not requesting a deviation and ultimately he agrees with Mr. Leinbach; however, the construction documents have yet to be drafted.

Ricky Jones said Mr. Lienbach was concerned about 25 feet instead of 30 feet. He asked Mr. Betchan if that would be the only building length, to the south. Alan Betchan said through development of the final site plan, the request allows for flexibility as they design the site.

Fred Dorrell asked if the developer for this project has been determined. Alan Betchan said no; a there have been discussions with many builders.

Fred Dorrell said he understands the concerns that were voiced and said the same problems can occur in a housing addition. He said anytime a buyer purchases property the only way to control who or what is built next to the property is for the buyer to purchase all of the surrounding land. He said the land use is an appropriate use; however, not knowing who will develop the proposed apartments causes concern. The decision could be made to approve the application and it could be developed similar to the existing apartments or an unknown developer can build the apartments as they wish.

Ricky Jones said the PUD provides enough safeguards to make him feel comfortable with it and from a land use perspective, it does not bother him.

Discussion continued.

After the vote, Lee Whelpley said Item 6C would be heard by City Council on November 7, 2017, at 6:30 p.m.

MOTION by Mark Jones to approve Item 6C, per Staff recommendations. The motion was seconded by Carolyne Isbell-Carr. The motion carried the following vote:

Aye: 4 - **Mark Jones, Carolyne Isbell-Carr, Ricky Jones, and Lee Whelpley**

Nay: 1 - **Fred Dorrell**

D. [17-2688](#) Public hearing, consideration, and possible action regarding SP-285 (Specific Use Permit), and Abrogation of SP-164, The Ridge at Broken Arrow, 12.0028 acres, A-1, east of 37th Street, one-third mile south of Kenosha Street
Jane Wyrick, Planner II, presented the background for Item 6D saying, SP-285 is a request for a Specific Use Permit for a place of assembly for The Ridge at Broken Arrow. The property is zoned A-1 and is located east of 37th Street (209th Avenue), one-third mile south of Kenosha Street.

Ms. Wyrick said a Specific Use Permit was previously approved for this site (SP-164) for Tee Town Golf Ranch in January 2002 to allow a golf driving range, subject to the property being platted. The property was platted in June 2002 and filed in Wagoner County. Tee Town Golf Ranch has since closed, and the applicant has requested to abrogate SP-164.

Jane Wyrick said the recorded plat for Tee Town Golf Ranch includes use and development restrictions within the covenants that limit the use to outdoor recreation facilities and to uses accessory to a golf driving range. The covenants allow for the restrictions to be amended or terminated by written instrument and signed by the Planning Commission, its successors, and owners of a majority of the lots within the subdivision. As such, the applicant is in the process of drafting a written instrument for the Planning Commission's signature to amend the use restrictions on the plat and record it with Wagoner County, at a future date.

Ms. Wyrick said the applicant has also submitted an application for a lot split to subdivide the site into three parcels (BAL-2026) that was heard on this same agenda on the Consent Agenda Items. The Ridge at Broken Arrow proposes to remodel and use the existing 4,000-square-foot Pro Shop building on the site for the proposed church. The applicant would like to construct a larger building in the future and will return to the Planning Commission for approval of a Specific Use Permit Extension at that time. In addition to the place of assembly use, the applicant proposes to use the site for outdoor recreation including soccer and similar uses.

The Broken Arrow Zoning Ordinance requires all places of assembly within agricultural and residential zoning districts to have a Specific Use Permit. A minimum of five acres is required for parcels utilizing a septic system and the proposed site is just over 12 acres, thus meeting the requirement. There is an existing 12-inch water line at the street to serve the property.

Per the Zoning Ordinance, parking for places of assembly requires one space per 4 seats in the meeting area. Currently, their congregation consists of 80 to 100 people requiring 25 parking spaces and the site has 82 parking spaces, thereby exceeding the parking required for the assembly use. Access to the property will be from the existing driveways along 37th Street.

The applicant proposes to use the existing lights and turn off the driving range lighting by 10:00 p.m. Any new lighting proposed will be installed in accordance with the Zoning Ordinance. Freestanding signs within agricultural and residential zoning districts, and are located on lots used for institutional uses, are permitted a sign that does not exceed 32 square feet in area or eight feet in height. Signs may exceed these requirements through the PUD or Specific Use Permit process. The applicant has indicated that signs will be installed in accordance with the Zoning Ordinance.

According to the FEMA maps, the property is not located in a 100-year floodplain area. The Comprehensive Plan designation for the subject parcel is Level 4. The zoning designation on the property of A-1 is not consistent with the land use designation of Level 4; however, a place of assembly is permitted in an A-1 zoning district with approval of a Specific Use Permit.

Policy C-P1 of the Comprehensive Plan states, "The City shall refrain from approving requests for Special Permits for uses which could affect ability to attract quality dining or entertainment facilities within or immediately adjacent to existing or future commercial districts as identified in the Future Development Guide." According to the Oklahoma Alcohol Beverage Administrative Code (ABLE) Commission, establishments that serve alcoholic beverages are prohibited from

locating within three hundred feet of a school or church property. There are not presently any businesses that would be impacted by this separation requirement. In the past, the City has allowed places of assembly to locate in commercially zoned areas with a two-year time limit.

Jane Wyrick said, based on the uses in the area, the location of the property, and the surrounding land uses, Staff recommends that SP-164 be abrogated, and that SP-285 be approved, subject to the conditions listed in the Staff report.

Lee Whelpley said with abrogations, all stipulations for the case to be abrogated are then removed. He asked if the lighting would then have to be set up differently.

Larry Curtis said the abrogation would be for the use of the golf on the property. The new Specific Use Permit allows for the lighting for soccer use, as the soccer use will still be permissible, so the lighting can stay.

Lee Whelpley asked the applicant to step to the podium and state their name and address, for the record.

Tim Terral, TEP, 9820 E. 41st, Ste. 102, Tulsa said they are in agreement with the Staff report.

Lee Whelpley opened the public hearing and asked if anyone wished to speak on Item 6D. No one responded. Mr. Whelpley closed the public hearing.

After the vote, Lee Whelpley said Item 6D would be heard by City Council on October 17, 2017, at 6:30 p.m.

MOTION: by Ricky Jones to approve Item 6D, per Staff recommendations. The motion was seconded by Fred Dorrell. The motion carried the following vote:

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

7. Appeals

8. General Commission Business

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

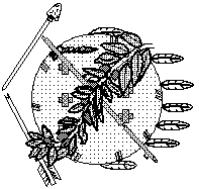
Larry Curtis said he wanted to make an announcement on behalf of Farhad Doroga, who could not be at the meeting. The Overlay District that was projected to go before the Planning Commission for the beginning of October or end of October has now been scheduled for November 16, 2017. He said as the hearing gets closer, the item will be prepared for discussion once again, to advise of an update.

Ricky Jones asked if the Commissioners would receive a draft copy of the Downtown Overlay District Plan. Larry Curtis said yes. There have been a few changes to it, and the Commission will be provided with a copy.

10. Adjournment

MOTION by Carolyne Isbell-Carr to adjourn at 6:03 p.m. The motion was seconded by Fred Dorrell. The motion carried the following vote:

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



City of Broken Arrow

Fact Sheet

File #: 17-2837, Version: 1

**Broken Arrow Planning Commission
11-2-2017**

To:
From:
Title:

**Chairman and Commission Members
Development Services Department**

Acceptance of an Amendment to the Deed of Dedication and Restrictive Covenants of the Tee Town Golf Ranch Plat, located east of 37th Street, one-third mile south of Kenosha Street, Wagoner County, State of Oklahoma (Section 31, T19N, R15E)

Background:

The plat for Tee Town Golf Ranch was recorded in Wagoner County on June 5, 2002 (PT02-102). The recorded plat includes use and development restrictions within the covenants that limit the use to outdoor recreation facilities and to uses accessory to a golf driving range. The covenants allow for the restrictions to be amended or terminated by written instrument and signed by the Planning Commission, its successors, and owners of a majority of the lots within the subdivision.

On October 17, 2017, the City Council approved a Specific Use Permit (SP-285) for a place of assembly for The Ridge at Broken Arrow on the site platted as Tee Town Golf Ranch. One of the conditions of approval for SP-285 required the applicant to draft a separate written instrument for the Planning Commission's signature to amend the use restrictions on the plat and record it with Wagoner County. The language within the amended plat restrictions allow for any and all uses permitted by the underlying zoning of the property. Acceptance of this request and recording the amendment with Wagoner County will satisfy said condition of approval included with SP-285.

Attachments:

Aerial photo

Recorded Plat for Tee Town Golf Ranch

Amendment to the Deed of Dedication and Restrictive Covenants for the Tee Town Golf Ranch Plat

Recommendation:

Staff recommends acceptance of the amendment to the deed of dedication and restrictive covenants for the Tee Town Golf Ranch Plat.

Reviewed By: **Larry R. Curtis**

Approved By: **Michael W. Skates**

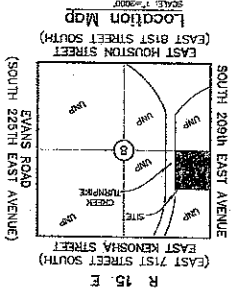
JMW



**Tee Town Golf Ranch Plat, Amendment to
Restrictions and Covenants PT02-102A**

Tee Town Golf Ranch

PART OF THE SW/4 OF THE NW/4 OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 15 EAST
OF THE INDIAN BASE & MERIDIAN, A SUBDIVISION IN THE CITY OF BROKEN ARROW, WAGONER COUNTY, OKLAHOMA



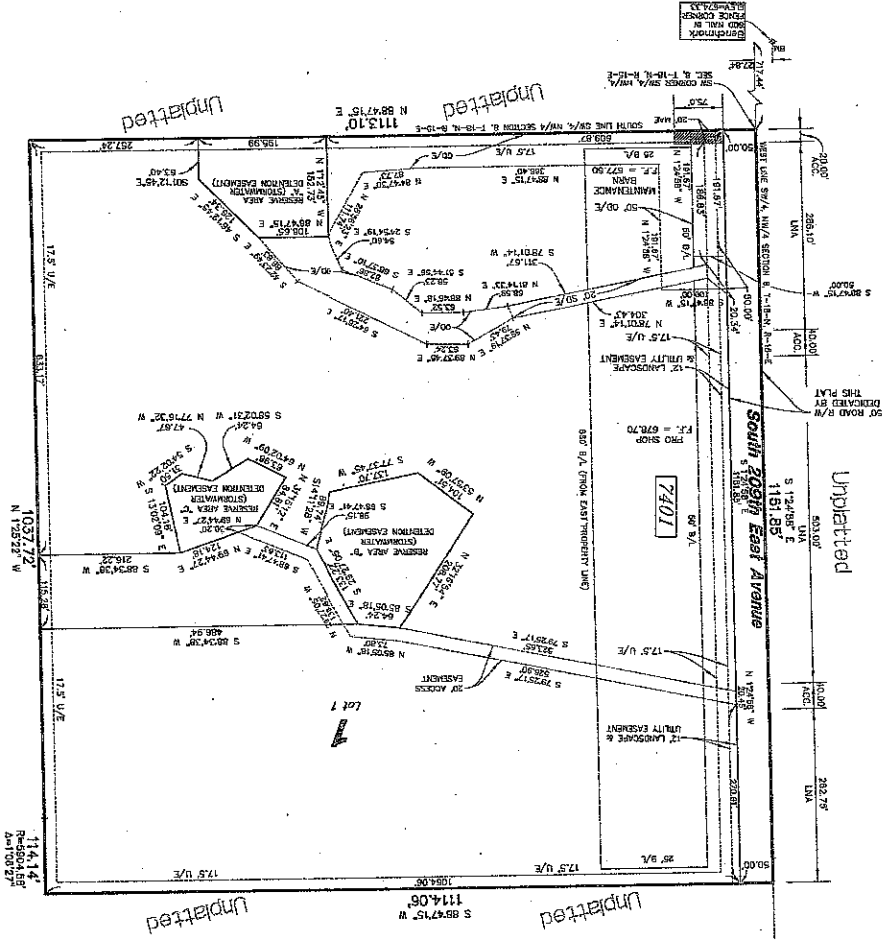
LOT 1, BLOCK 1 CONTAINS 28.458 ACRES
RESERVE AREA "A" CONTAINS 0.411 ACRES
RESERVE AREA "B" CONTAINS 0.849 ACRES
RESERVE AREA "C" CONTAINS 0.352 ACRES
SUBDIVISION CONTAINS 29.432 ACRES
ONE (1) LOT IN ONE (1) BLOCK

Owner/Developer:
Tee Town Golf Ranch, Inc.
An Oklahoma Corporation
1212 East 16th Street South
Glenpool, Oklahoma 74033
Phone: (918) 827-5991

Engineer/Surveyor:
Sisamore Weisz & Associates, Inc.
6111 East 32nd Place
Tulsa, Oklahoma 74135
Phone: (918) 865-3600

Attest: City Clerk
City of Broken Arrow
Approved: 5/6/02 by the City
Council of the City of Broken Arrow.

Creek Turnpike
Right-of-Way



Scale: 1"=100'



Benchmark and Datum
SD NAIL IN PINE CORNER 717.44 FEET SOUTH
AND 22.64 FEET WEST OF THE SOUTHWEST CORNER
GENERAL ELEVATION 874.33 (MVD 25)

Basis of Bearings
BASIS OF BEARINGS IS ASSUMED USING THE
WEST LINE OF THE HWY AS S 01°24'50" E.

Monumentation
MONUMENTS SET AT ALL PROPERTY CORNERS.

Legend

0/4" = BENCHMARK LINE
8/4" = SHOT OF WEST
L/4" = LANCESCAPE EASEMENT
S/4" = STORM SEWER EASEMENT
C/4" = CROSSLAND EASEMENT
U/4" = UTILITY EASEMENT
A/4" = ACCESS OF NO ACCESS
F/4" = FENCED FLOOR ELEVATION
[Symbol] = MUTUAL ACCESS EASEMENT

ADDRESS SHOWN ON THIS PLAT MUST PRECEDE BY THE
ENGINEERING DEPARTMENT OF THE CITY OF BROKEN ARROW
AND BE ACCURATE AT THE TIME THE PLAT WAS FILED.
THIS ADDRESS IS SUBJECT TO CHANGE AND SHOULD
NOT BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.

CERTIFICATE
I hereby certify that all real estate taxes levied on this plat have
been paid as reflected by the amount due table. Changing or reducing
taxes paid as reflected by the amount due table, changing or reducing
the amount of taxes paid as reflected by the amount due table, or
for taxes levied on this plat, is prohibited by the amount due table.
This certificate is not to be considered as payment of taxes.
Taxes in this plat are to be paid to the city of Broken Arrow, Oklahoma.
20.00. (Taxes could exceed the amount of the property report.)
Printed Name: [Signature]
Wagoner County Treasurer
by [Signature]
Date: 5/20/02

FIRST AMENDMENT TO THE DEED OF DEDICATION
AND RESTRICTIVE COVENANTS
FOR TEE TOWN GOLF RANCH

This Amendment to the Deed of Dedication and Restrictive Covenants is made this ____ day of _____, 2017, by JM Assets LP, a Nevada limited partnership.

WHEREAS, the Plat, Deed of Dedication and Restrictive Covenants of Tee Town Golf Ranch was recorded in the office of the Wagoner County Clerk on June 5, 2002, in Plat Cabinet 4, Page 407 (the "Tee Town Dedication"), creating the following subdivision:

TEE TOWN GOLF RANCH, a part of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section Eight (8), Township Eighteen (18) North, Range Fifteen (15) East, of the Indian Base and Meridian, a Subdivision in the City of Broken Arrow, Wagoner County, State of Oklahoma; and

WHEREAS, JM Assets LP is the sole owner of all of the lots contained within and set forth on the plat of Tee Town Golf Ranch; and

WHEREAS, Section III(C) of the Tee Town Dedication provides, in part, that the Covenants contained within Section II. Development and Requirements and Restrictions, may be amended or terminated at any time by a written instrument signed and acknowledged by the Broken Arrow Planning Commission, or its Successors, and by the Owners of the majority of the lots within the subdivision; and

WHEREAS, JM Assets LP now desires to amend Section II(B) of the Tee Town Dedication.

NOW, THEREFORE, pursuant to Section III(C) of the Tee Town Dedication, Section II(B) of the Tee Town Dedication is hereby amended to read as follows:

B. PERMITTED USES:

ANY AND ALL USES PERMITTED BY THE UNDERLYING ZONING FOR ALL REAL PROPERTY CONTAINED WITHIN AND SET FORTH ON THE PLAT OF TEE TOWN GOLF RANCH.

This Amendment is executed by JM Assets LP, a Nevada limited partnership, and approved by the Broken Arrow Planning Commission as of the date or dates set forth below.

JM Assets LP, a Nevada limited partnership
By A-A-A Storage, LLC
Its General Partnership

John Muhlich
By: JOHN MUHLICH
Its: Manager of A-A-A Storage, LLC
Date: the 25 day of OCT, 2017

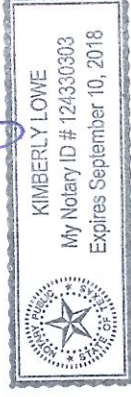
STATE OF TEXAS)
COUNTY OF TRAVIS) ss.

This instrument was acknowledged before me on this 25 day of OCTOBER, 2017, by John Muhlich as Manager of A-A-A Storage, LLC, the General Partner of JM Assets LP, a Nevada limited partnership.

Given under my hand and seal the day and year last above written.

Kimberly Lowe
Notary Public

My commission number is 124330303
and my commission expires 09/10/2018
[S E A L]



Broken Arrow Planning Commission

By: _____
Its: _____
Dated: the ____ day of _____, 2017

STATE OF OKLAHOMA)
)ss.
COUNTY OF TULSA)

This instrument was acknowledged before me on this ____ day of _____, 2017, by _____, as _____ of the Broken Arrow Planning Commission.

Given under my hand and seal the day and year last above written.

Notary Public

My commission number is _____
and my commission expires _____
[S E A L]