

City of Broken Arrow
Meeting Agenda
Planning Commission

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

Chairperson Ricky Jones
Vice Chair Lee Whelpley
Member Fred Dorrell
Member Mark Jones
Member Pablo Aguirre

Thursday, November 1, 2018

5:00 PM

Council Chambers

1. Call To Order

2. Roll Call

3. Old Business

4. Consideration of Consent Agenda

- A. [18-1240](#) Approval of BAL-2042, Lynn Lane Business Park Lot Split, 3 Lots, 1.38 acres, north and east of the northeast corner of Houston Street and 9th Street

Attachments: [2-Case Map](#)
[3-Aerial](#)
[4-Lot Split Exhibit](#)
[5-Lynn Lane Business Park Plat](#)

- B. [18-1241](#) Approval of BAL-2043, 115 Atlanta Lot Split, 1 Lot, 1.38 acres, one-eighth mile south of Washington Street, one-third mile east of Elm Place

Attachments: [2-Case Map](#)
[3-Aerial](#)
[4-Lot Split Survey](#)
[5-Arrow Acres Extended Plat and Covenants](#)

- C. [18-1251](#) Approval of Planning Commission meeting minutes of May 24, 2018

Attachments: [5-24-2018 Planning Commission Minutes](#)

- D. [18-1252](#) Approval of Planning Commission meeting minutes of June 14, 2018

Attachments: [6-14-2018 Planning Commission Minutes](#)

E. [18-1257](#) Approval of Planning Commission meeting minutes of June 28, 2018

Attachments: [6-28-2018 Planning Commission Minutes](#)

5. Consideration of Items Removed from Consent Agenda

6. Public Hearings

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.

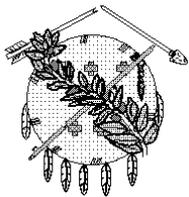
2. IF YOU HAVE A DISABILITY AND NEED ACCOMMODATION IN ORDER TO PARTICIPATE IN THE MEETING, PLEASE CONTACT THE DEVELOPMENT SERVICES DEPARTMENT AT 918-259-8412, TO MAKE ARRANGEMENTS.

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.

City Clerk



City of Broken Arrow

Request for Action

File #: 18-1240, **Version:** 1

Broken Arrow Planning Commission

11-01-2018

To: Chairman and Commission Members
From: Development Services Department
Title: Approval of BAL-2042, Lynn Lane Business Park Lot Split, 3 Lots, 1.38 acres, north and east of the northeast corner of Houston Street and 9th Street

Background:

Applicant: 20th Street Investments, LLC
Owner: 20th Street Investments, LLC
Developer: None
Surveyor: D&S Surveying and Mapping
Location: North and east of the northeast corner of Houston Street and 9th Street
Size of Tract 1.38 total acres
Number of Lots: 3
Present Zoning: IL
Comp Plan: Level 6 (Regional Employment/Commercial)

Lot split request BAL-2042 involves a 1.38-acre parcel located north and east of the northeast corner of Houston Street and 9th Street. This property is platted as Lots 2, 3 and 4, Block 1, Lynn Lane Business Park.

The purpose of this lot split is to convey a portion of Lot 3 to Lot 4. The existing building on Lot 2 was constructed on the south property line of Lot 2 as part of the overall site development. The proposed lot split would convey the northern 15 feet (approximately 0.06 acres) of Lot 3, to Lot 2. Lot 4 will remain the same and was only included in the application due to a building being constructed over the property line of Lots 3 and 4. All lots meet the frontage and size requirements of the IL zoning district.

According to FEMA maps, none of this property is located within the 100-year floodplain. Oklahoma Natural Gas (ONG), Public Service Company of Oklahoma (PSO), Cox Communications, and Windstream have indicated that they do not have any problems with the proposed lot split.

Attachments: Case map
Aerial
Lot Split Exhibit
Lynn Lane Business Park Plat

Recommendation:

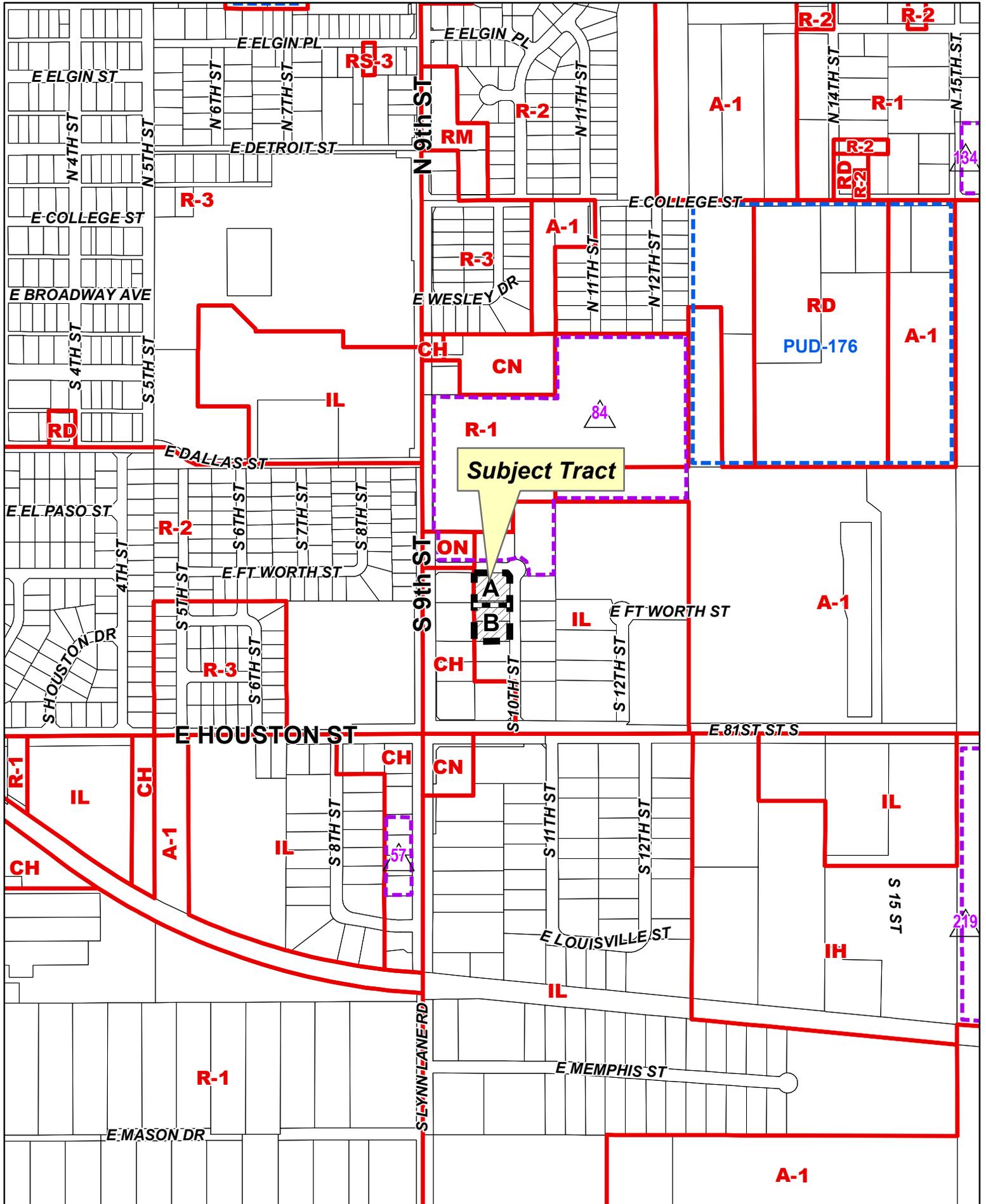
Staff recommends BAL-2042 be approved, subject to the following:

1. The warranty deed for each parcel shall be brought to the Plan Development Division to be stamped prior to being recorded in Tulsa County.
2. Lot 2 and the 0.06 acre parcel shall be permanently tied together, and it shall be acknowledged and stated in the warranty deed that the property cannot be divided without receiving lot split approval from the Planning Commission.

Reviewed By: **Larry R. Curtis**

Approved By: **Michael W. Skates**

ALY

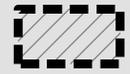


Subject Tract

A
B

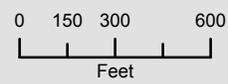


300' Radius



Subject Tract

BAL-2042



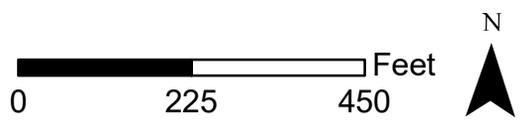
12 18-14





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

BAL-2043
Lynn Lane Business Park Lot Split

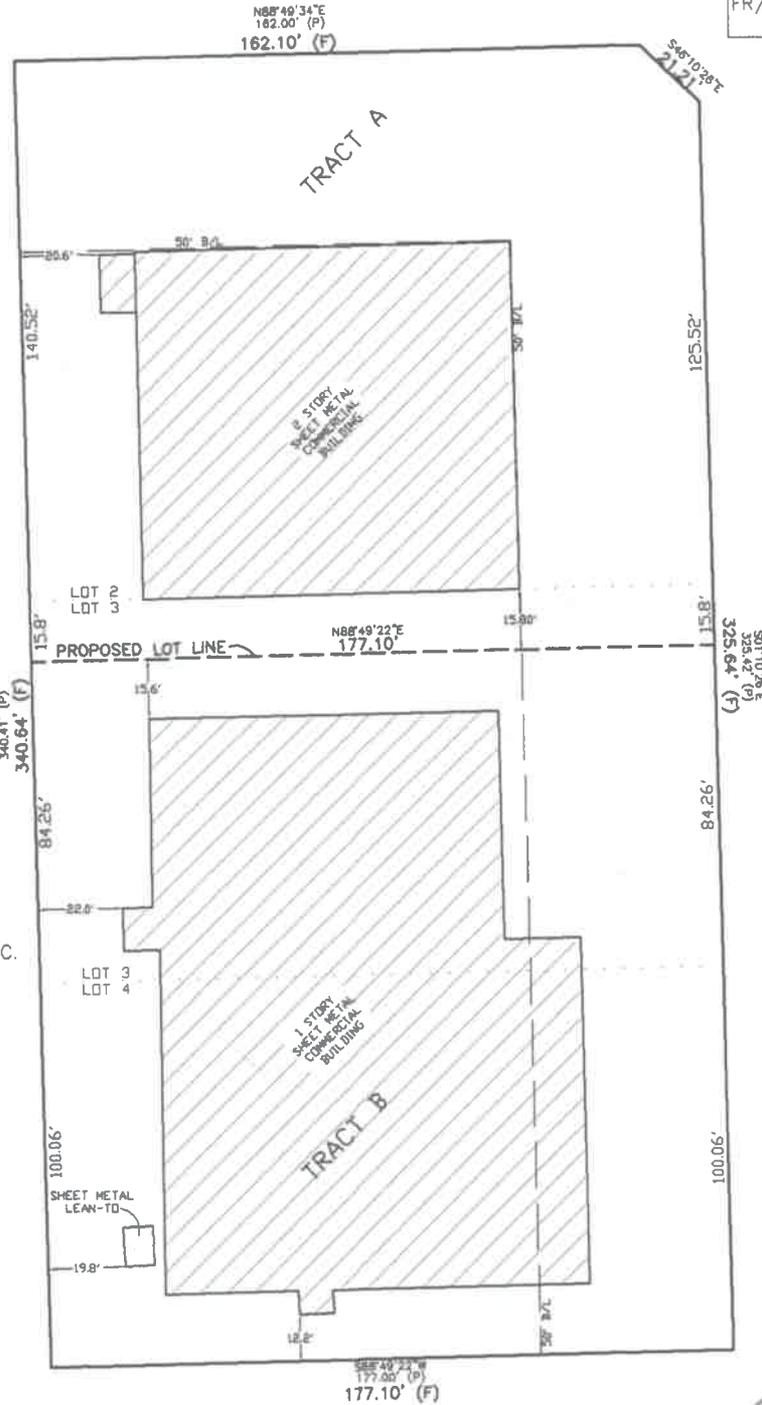


REGISTERED LAND SURVEYOR'S LOT SPLIT EXHIBIT



SCALE 1"=50'

LEGEND	
U/E	- UTILITY EASEMENT
B/L	- BUILDING LINE
D/E	- DRAINAGE EASEMENT
ELEC	- ELECTRIC
COVD	- COVERED
FR/E	- FUTURE ROADWAY EASEMENT



AREAS:

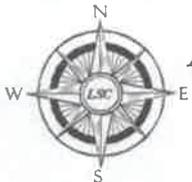
PARENT TRACT: ±60,213.5 S.F. - 1.38 AC.
 TRACT A: ±27,570.2 S.F. - 0.63 AC.
 TRACT B: ±32,643.3 S.F. - 0.75 AC.

GENERAL NOTES:

BASIS OF BEARINGS: ASSUMED NORTH.

THE PROPERTY SHOWN HEREON LIES IN ZONE "X UNSHADED" PER FEMA F.I.R.M. NUMBER 40143C0392L, AS LAST REVISIONED 9-30-2018.

WITNESS MY HAND AND SEAL THIS 1ST DAY OF October 2018



D&S SURVEYING AND MAPPING

PO BOX 471211, TULSA OK 74147
 Phone: 918.519.1873 Fax: 918.779.7059
 Email: pls4air@gmail.com
 CA# 6676 Expiration: 6-30-20



David D. Lacy
 DAVID D. LACY, P.L.S. #1666

REGISTERED LAND SURVEYOR'S
LOT SPLIT EXHIBIT
LEGAL DESCRIPTIONS

PARENT TRACT:

LOTS TWO (2), THREE (3), AND FOUR (4), BLOCK ONE (1), LYNN LANE BUSINESS PARK, AN ADDITION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. CONTAINS 60,213.5 SQUARE FEET, OR 1.38 ACRES, MORE OR LESS.

TRACT A:

LOT TWO (2) AND THE NORTH 15.8 FEET OF LOT THREE (3), BLOCK ONE (1), LYNN LANE BUSINESS PARK, AN ADDITION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. CONTAINS 27,570.2 SQUARE FEET, OR 0.63 ACRES, MORE OR LESS.

TRACT B:

LOT THREE (3) LESS AND EXCEPT THE NORTH 15.8 FEET THEREOF AND ALL OF LOT FOUR (4), BLOCK ONE (1), LYNN LANE BUSINESS PARK, AN ADDITION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. CONTAINS 32,643.3 SQUARE FEET, OR 0.75 ACRES, MORE OR LESS.

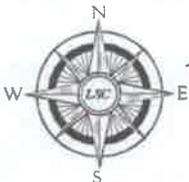
WITNESS MY HAND AND SEAL THIS

15

DAY OF

October

2018



D&S SURVEYING AND MAPPING

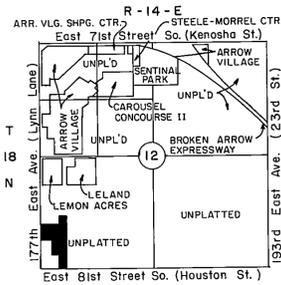
PO BOX 471211, TULSA OK 74147
Phone: 918.519.1873 Fax: 918.779.7059
Email: pls4air@gmail.com
CA# 6676 Expiration: 6-30-20



David D. Lacy
DAVID D. LACY, P.L.S. #1666

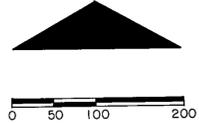
LYNN LANE BUSINESS PARK

AN ADDITION TO THE CITY OF BROKEN ARROW, OKLAHOMA BEING IN THE SW/4 SW/4 SECTION 12 T18N, R14E, TULSA COUNTY, OKLAHOMA.



LOCATION MAP

16 LOTS
10.12 AC. NET



LEGEND
U/E - Utility Easement
B/L - Building Line
LNA - Limits of No Access
MAE - Mutual Access Easement

OWNER

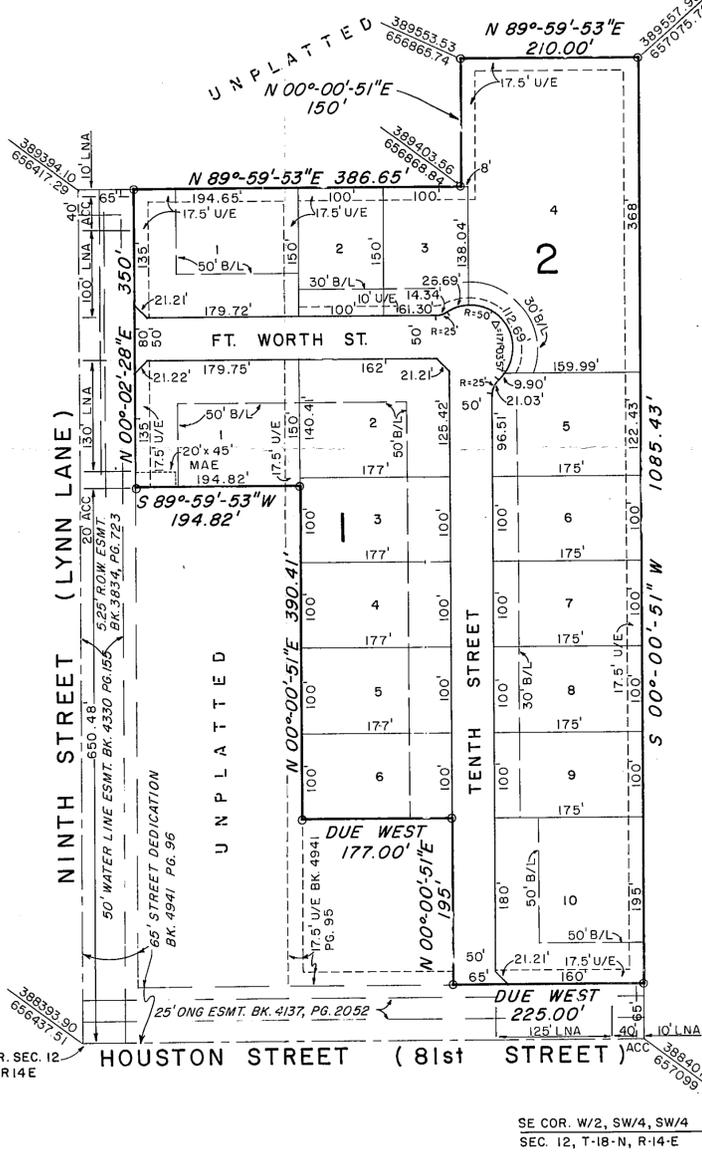
REVOCABLE INTER VIVOS TRUSTS OF ROY HALE & LEILA JO HALE
Dated March 6, 1978
7381 S. 225th E. AVE.
BROKEN ARROW, OKLA. 74014
918-357-2050

ENGINEER

WILLIAM E. LEWIS, P.E.
6420 S. 221st E. AVE.
BROKEN ARROW, OKLA. 74014
918-355-1380

STATE OF OKLAHOMA
FILED FOR RECORD
1986 JUL - 8 PM 11:24
JOAN HASTINGS
TULSA COUNTY CLERK

APPROVED 5-5-86 by the City Council of the City of Broken Arrow, Oklahoma.
Mayor: [Signature]
City Clerk: [Signature]



UNPLATTED
UNPLATTED

LYNN LANE BUSINESS PARK
CERTIFICATION OF DEDICATION
DECLARATION OF PROTECTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS: ROY HALE, TRUSTEE OF REVOCABLE INTER VIVOS TRUST OF ROY HALE, dated March 6, 1978 and LEILA JO HALE, TRUSTEE OF REVOCABLE INTER VIVOS TRUST OF LEILA JO HALE, dated March 6, 1978, are hereinafter referred to as "owners" of the following-described land in the County of Tulsa, State of Oklahoma, to wit:

Part of the W/4 SW/4 Section 12, T18N, R14E of the Indian Base and Meridian, Tulsa County, Oklahoma according to the U.S. Government Survey thereof, more particularly described as follows:

Beginning at a point 65 feet North of the Southeast corner of said W/4 SW/4; thence due West 225 feet; thence N 00°00'51" E 195 feet; thence due West 177 feet; thence N 00°00'51" E 390.41 feet; thence S 89°59'53" W 194.82 feet; thence N 00°02'28" E 350 feet; thence N 89°59'53" E 386.65 feet; thence N 00°00'51" E 150 feet; thence N 89°59'53" E 210 feet to a point on the East line of said W/4 SW/4; thence S 00°00'51" W along said East line 1095.43 feet to the point of beginning; containing 10.12 acres, more or less.

and has caused the above described land to be surveyed, staked, platted and subdivided into lots, blocks, and streets, and has designated the same as LYNN LANE BUSINESS PARK, Tulsa County, State of Oklahoma.

SECTION 1. STREETS AND UTILITIES

A. Utility Easements
The owners do hereby dedicate for the public use the easements and rights-of-way designated on the accompanying plat for the several purposes of constructing, maintaining, operating, repairing, removing, replacing any and all public utilities including storm sewers, sanitary sewers, telephone and communication lines, electric power lines and transformers, gas lines and water lines, together with all fittings, including the poles, wires, conduits, pipes, valves, meters and equipment for each of such facilities and any other appurtenances thereto with the rights of ingress and egress into and upon said utility easements and rights-of-way for the uses and purposes aforesaid; PROVIDED, HOWEVER, the Owners hereby reserve the right to construct, maintain, operate, lay and relay water lines and sewer lines together with the right of ingress and egress for such construction, maintenance, operation, laying and relaying over, across and along all of the public streets, alleys, and utility easements, shown in said plat, for the purpose of furnishing water and/or sewer services to the area included in said plat.

B. Electric & Communication Service
a. Overhead pole lines for the supply of electric service and communication service cable may be located in the easement-ways reserved for general utility services and streets, shown on the attached plat. Service pedestals and transformers, as sources of supply at secondary voltage, may also be located in said easement-ways and streets.
b. Electric and communication service may be underground service cables to all buildings provided that upon the installation of such a service cable to a particular building, the supplier of electric service shall be deemed to have a definitive, permanent, effective and exclusive right-of-way easement on said lot, covering a five-foot strip extending 2.5 feet on each side of such service cable, extending from the pole, service pedestal or transformer to the service entrance on said building. The owner of each lot may grant additional easement as needed for electric service.
c. The supplier of electric service, through its proper agents and employees shall at all times have right of access to all such easement-ways shown on said plat, or provided for in this Deed of Dedication for the purpose of installing, maintaining, removing or replacing any portion of said electric facilities so installed by it.
d. The owner of each lot shall be responsible for the protection of the underground electric facilities located on his property and shall prevent the alteration of grade or any construction activity which may interfere with said electric facilities. The Company will be responsible for ordinary maintenance of underground electric facilities, but the owner will pay for damage or relocation of such facilities caused or necessitated by acts of the owner or his agents or contractors.
e. The foregoing covenants concerning electric facilities shall be enforceable by the supplier of electric service, and the owner of each lot agrees to be bound hereby.

C. Limits of No Access
THE OWNERS hereby relinquish right of ingress or egress to the above-described property within the bounds designated as "Limits of No Access" (LNA) except as may hereafter be released, altered, or amended by the CITY OF BROKEN ARROW, OKLAHOMA, or its successor, or as otherwise provided by the statutes and laws of the State of Oklahoma pertaining thereto.

D. Mutual Access Easements
Mutual Access Easements, as designated on the accompanying plat, are dedicated as private roadway easements for access, ingress, and egress for the mutual use of the owners of lots within the subdivision and their guests and invitees and shall be maintained free of obstruction.

SECTION 2. RESTRICTIONS

WHEREAS, the Owners desire to establish restrictions for the purpose of providing for an orderly development and to insure adequate restrictions for the mutual benefit of the Owners, its successors and assigns;

THEREFORE, the Owners do hereby impose the following restrictions and covenants which shall be covenants running with the land, and shall be binding upon the Owners, its successors and assigns:

A. Architectural Control Committee
1. No building, fence, or wall shall be erected, placed or altered on any lot in this subdivision until the building plans and specifications, drainage and grading plans, exterior color scheme and material thereof, and plot plan, which plot plan shows the location and facing of such building, have been approved in writing by a majority of an Architectural Control Committee composed of ROY HALE, LEILA JO HALE, or their duly authorized representative, representatives, or successors. In the event of the death or resignation of any member of the above-named committee the remaining member or members shall have full authority to approve or disapprove such plans, specifications, color scheme, materials and plot plan, or to designate a representative or representatives with the like authority, and said remaining member or members shall have authority to fill any vacancy or vacancies created by the death or resignation of any of the aforesaid members, and said newly appointed member shall have the same authority hereunder as their predecessors, as above set forth. In the event the Architectural Control Committee fails to approve or disapprove any such plans, specifications, color scheme, materials and plot plans submitted to it as herein required within ten (10) days after such submission, or in the event no suit to enjoin the erection of such building or the making of such alteration has been commenced prior to the completion thereof, such approval shall not be required and this covenant shall be deemed to have been fully complied with.

2. The Architectural Control Committee, nor the developer of LYNN LANE BUSINESS PARK shall be liable in damages or otherwise to anyone submitting plans and specifications for approval or to any owner of land affected by this declaration by reason of mistake of judgement, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any plans and specifications, and an approval of plans and specifications shall not constitute a warranty or responsibility for building methods, materials, structural design, grading or drainage, or code violations.

3. The Architectural Control Committee shall have the power to grant a modification of any of the restrictive covenants upon its finding that the purposes of the covenants can be achieved without necessity of strict adherence to the covenants or, in the alternative, that the purposes of the covenants cannot be achieved in the particular instance and the strict application of the covenants would constitute an unnecessary burden.

B. Construction Standards
All buildings and structures erected within said industrial park shall have masonry, concrete or metal (prefinished steel siding) exterior walls. Exterior walls abutting or facing any dedicated street shall consist of tilt-up concrete, brick, stone or stucco to the eave or 10 feet high, whichever is less. Masonry facing material shall return along each side of building a minimum of 2 feet. All concrete or masonry shall be properly painted or color coated so as to give a finished appearance. Exposed (unfinished) concrete or cinder block is prohibited. In no case shall any building be of wooden frame construction, except that fire-proof laminated beams may be used in the construction of such buildings, provided prior approval of the fire marshal of the City of Broken Arrow is obtained. No used building materials shall be incorporated into any structure or any lot. No temporary building shall remain on any site after construction is complete.

C. Permitted Uses
1. All lots in said development park shall be restricted in accordance with the zoning requirements affecting the land to commercial, industrial, office and office warehouse. All buildings erected on the property shall conform to the City of Broken Arrow building code in effect at the time of commission.
2. The following uses are not permitted:
a. Any use which involves a noxious odor, excessive emission of smoke, steam or vapor, or an excessive noise level.

D. Parking Areas
1. Off street parking shall be provided and maintained by the owner of each lot, for his employees, customers, and all other persons transacting business on the site. Each single parking space must be a minimum of 180 sq. ft. excluding drives and approaches, and the parking requirements for each building shall be in accordance with its size and use. Total parking requirements shall then meet the City of Broken Arrow zoning code requirements. If parking needs increase, additional off street parking shall be provided by the owner. Parking in the street is strictly prohibited.
2. All parking areas and drives shall be paved with an impervious surface (a minimum of 6" asphalt or 5" of concrete).
3. 4"-6" concrete curbing shall be provided along the perimeter of all concrete parking and driveway areas lying between front property line and front face of building, except in mutual access easement areas.
4. That part of the driveway entrance that lies between the front property line and the edge of the paved portion of the street shall be constructed in accordance with City of Broken Arrow requirements.

E. Outside Storage
1. No part of the area in front of the building setback lines of any lot shall be used for outside storage. All outside storage areas shall be sufficiently fenced to screen them from view from public streets and side lots per screening and fencing guidelines paragraph F1.
2. All boats, cars, trucks, trailers, motor homes, motorcycles or similar recreational equipment shall not be stored on any lot unless fully screened in accordance with section F1 of these restrictions, nor shall they be located or parked for the purpose of "for sale" on any lot, right-of-way, dedicated streets, or easements unless such business is established specifically for such sales in accordance with the zoning requirements.
3. No inoperative vehicles or machinery shall be stored or parked on any lot unless screened in accordance with paragraph F1 of these restrictions.
4. All outside unpaved storage areas shall be covered with crushed stone and sealed or treated for a dust free surface.

F. Screening/Fencing
1. All fencing and gates, directly exposed to public streets and installed parallel to building set back lines or used to screen waste, receptacles, incinerators, or air conditioning units shall be 6' high chain link with vertical wood slats.
2. All fenced areas other than those outlined in items 1 above, shall be 6' high chain link with vertical wood slats or standard 6' high chain link. No other types of fencing shall be permitted except as approved in writing by the Architectural Control Committee.
3. All fencing exposed to public streets shall set back from the face of building a minimum of 5 to 6 feet and no fencing shall be allowed to extend in front of building limit lines.

G. Landscaping and Site Maintenance
1. All unpaved areas other than those areas devoted to parking, loading and storage shall be landscaped with grass sod, specimen plants, and trees.
2. The area between street curb and front of building must have a minimum of 10% devoted to landscaping.
3. Each lot shall be kept free from weeds, brush and high grass. Trash and rubbish shall not be permitted to accumulate upon any lot. Buildings and improvements shall at all times be maintained in a visually appealing condition.
4. All on-site trash receptacles shall be screened from public view; under no circumstance shall trash receptacles be allowed in area between city curb line and building limit line.

H. Enforcement, Duration, Amendment and Severability
1. Enforcement. The restrictions herein set forth are covenants to run with the land and shall be binding upon the Owners, their successors and assigns and all parties claiming under them. These covenants shall inure to the benefit of all owners of lots within the subdivision. If the undersigned Owners, or their successors or assigns shall violate any of the covenants herein, it shall be lawful for any person or persons owning any lot situated within the subdivision to maintain any action at law or in equity against the person or persons violating or attempting to violate any such covenants, to prevent him or them from so doing or to compel compliance with the covenants or to recover damage for such violations.
2. Duration. These restrictions shall remain in full force and effect until June 1, 2006 and shall automatically be continued thereafter for successive periods of ten (10) years each, unless terminated or amended as hereinafter provided.
3. Amendment. The covenants herein established may be amended, modified, changed, or cancelled only by a written instrument signed and acknowledged by the owners of more than 75% of the lots within the subdivision, and the provisions of such instrument shall be binding from and after the date it is properly recorded.
4. Severability. Invalidation of any restriction set forth herein, or any part thereof, by an order, judgement, or decree of any Court, or otherwise, shall not invalidate or affect any of the other restrictions of any part hereof as set forth herein, which shall remain in full force and effect.

IN WITNESS WHEREOF: ROY HALE, TRUSTEE OF REVOCABLE INTER VIVOS TRUST OF ROY HALE, dated March 6, 1978 and LEILA JO HALE, TRUSTEE OF REVOCABLE INTER VIVOS TRUST OF LEILA JO HALE, dated March 6, 1978, have executed this instrument this 3rd day of July, 1986.

[Signatures of Roy Hale and Leila Jo Hale]

ROY HALE, Trustee for Revocable Inter Vivos Trust of Roy Hale, dated March 6, 1978
LEILA JO HALE, Trustee for Revocable Inter Vivos Trust of Leila Jo Hale, dated March 6, 1978

STATE OF OKLAHOMA } SS.
COUNTY OF TULSA }

Before me, the undersigned, a Notary Public within and for said County and State on this 3rd day of July, 1986, personally appeared ROY HALE, TRUSTEE OF REVOCABLE INTER VIVOS TRUST OF ROY HALE, dated March 6, 1978 and LEILA JO HALE, TRUSTEE OF REVOCABLE INTER VIVOS TRUST OF LEILA JO HALE, dated March 6, 1978, to be known to be the identical persons who executed the within and foregoing instrument in writing and acknowledged to me that they executed the same as their free and voluntary acts and deeds and as the free and voluntary acts and deeds of such trusts for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

My Commission Expires: Nov. 16, 1988

[Signature of Notary Public]

NOTARY PUBLIC

CERTIFICATE OF SURVEY

I, WM. E. LEWIS, a Registered Land Surveyor of the State of Oklahoma, do hereby certify that I have, at the instance of the owners designated above, caused the above described survey to be performed under my supervision, and that the accompanying plat is a true and correct representation of said survey.

Signed and sealed this 3rd day of July, 1986

[Signature of William E. Lewis]

WM. E. LEWIS, R.L.S. 4728

STATE OF OKLAHOMA } SS.
COUNTY OF TULSA }

Before me, the undersigned, a Notary Public in and for said County and State, on this 3rd day of July, 1986, appeared WM. E. LEWIS, to be known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

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

My Commission Expires: Nov. 16, 1988

[Signature of Notary Public]

NOTARY PUBLIC

STATE OF OKLAHOMA } SS.
COUNTY OF TULSA }

I, Joan Hastings, Tulsa County Clerk, in and for the County and State above named, do hereby certify that the foregoing is a true and correct copy of a like instrument now on file in my office.

Dated the 4 day of July, 1986

JOAN HASTINGS, Tulsa County Clerk
[Signature]

CERTIFICATE

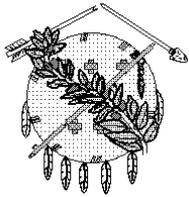
As provided in Title 11, Chapter 13, Section 514 of the Oklahoma Statutes, I hereby certify that as to all real estate taxes involved in this plat, all taxes due have been paid as reflected by the current tax rolls and secured by the 1986-87 said Section 514, has been provided in the amount of \$52.86 per trust receipt no. 3889 to be paid out as yet certified to me.

One dollar (\$1.00) to be construed as payment of \$1.86

Be advised that the amount of the security deposit is \$7.98

Dated 7-9-86

JOHN F. CANTRELL
TULSA COUNTY TREASURER
[Signature]



City of Broken Arrow

Request for Action

File #: 18-1241, **Version:** 1

**Broken Arrow Planning Commission
11-01-2018**

To: Chairman and Commission Members
From: Development Services Department

Title: Approval of BAL-2043, 115 Atlanta Lot Split, 1 Lot, 1.38 acres, one-eighth mile south of Washington Street, one-third mile east of Elm Place

Background:

Applicant: S & C Construction LTD, LLC
Owner: S & C Construction LTD, LLC
Developer: S & C Construction LTD, LLC
Surveyor: D&S Surveying and Mapping
Location: one-eighth mile south of Washington Street, one-third mile east of Elm Place
Size of Tract 1.38 total acres
Number of Lots: 1
Present Zoning: R-2
Comp Plan: Level 1 (Rural Residential)

Lot split request BAL-2043 involves a 1.38-acre parcel located one-eighth mile south of Washington Street, one-third mile east of Elm Place. This property is platted as Lot 1, Block 4, Arrow Acres Extended and is zoned R-2 (single-family residential).

Applicant is requesting to split this property into four single-family residential lots. All lots meet the frontage and size requirements of the R-2 zoning district. The plat for this property does not restrict property from being split however, the covenants do restrict the types of structures to single-family, two-story maximum height, and private garages for no more than 2 cars.

Water and sewer are available to the property but private easements will be required to provide service to each individual lots.

According to FEMA maps, none of this property is located within the 100-year floodplain. Oklahoma Natural Gas (ONG), Public Service Company of Oklahoma (PSO), Cox Communications, and Windstream have indicated that they do not have any problems with the proposed lot split.

Attachments: Case map
Aerial

Lot Split Survey
Arrow Acres Extended Plat and Covenants

Recommendation:

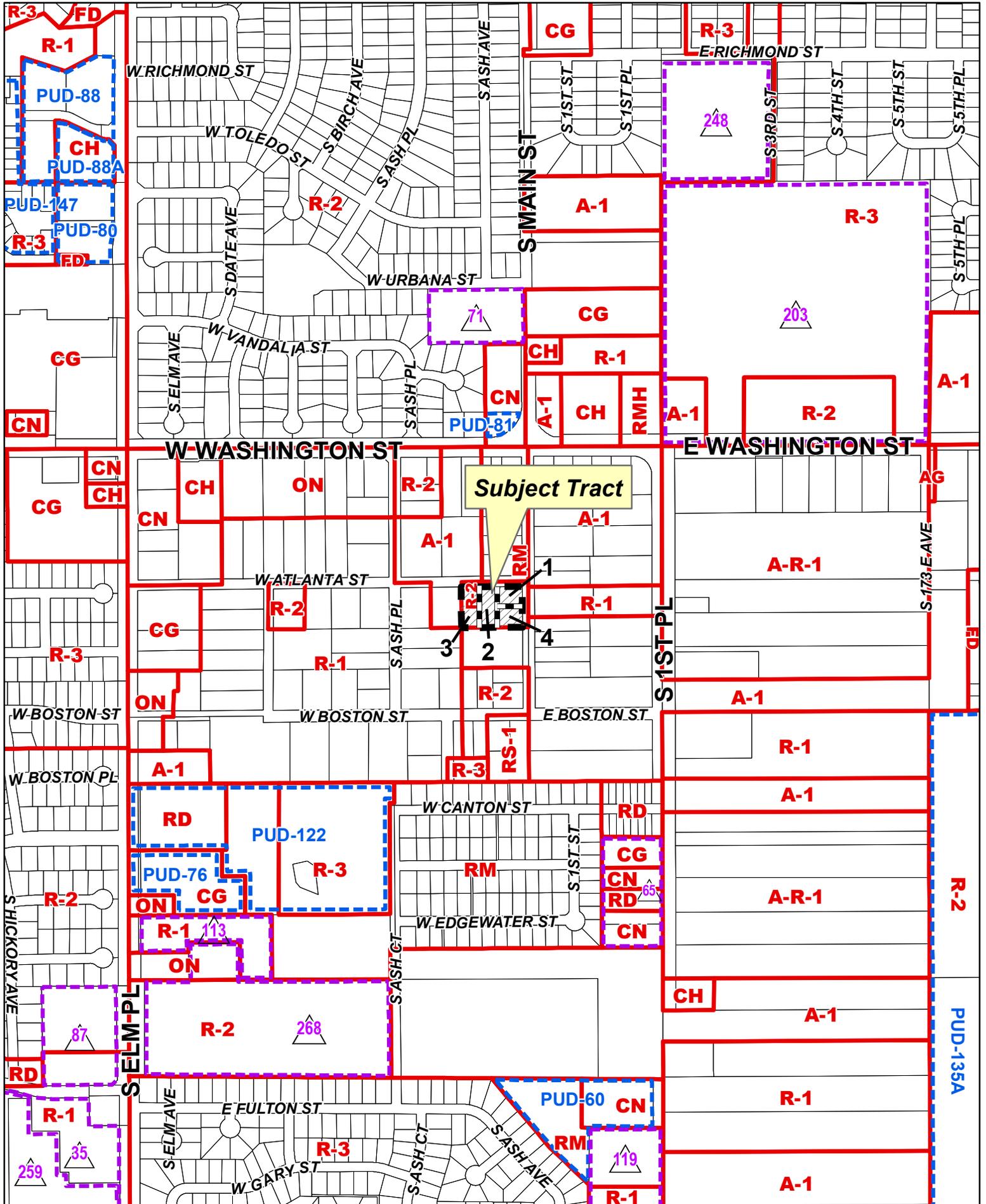
Staff recommends BAL-2043 be approved, subject to the following:

1. The warranty deed for each parcel shall be brought to the Plan Development Division to be stamped prior to being recorded in Tulsa County.
2. All necessary utility easements must be recorded before building permits may be issued on any of the newly created parcels.

Reviewed By: **Larry R. Curtis**

Approved By: **Michael W. Skates**

ALY

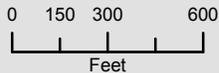


Subject Tract

1
2
3
4

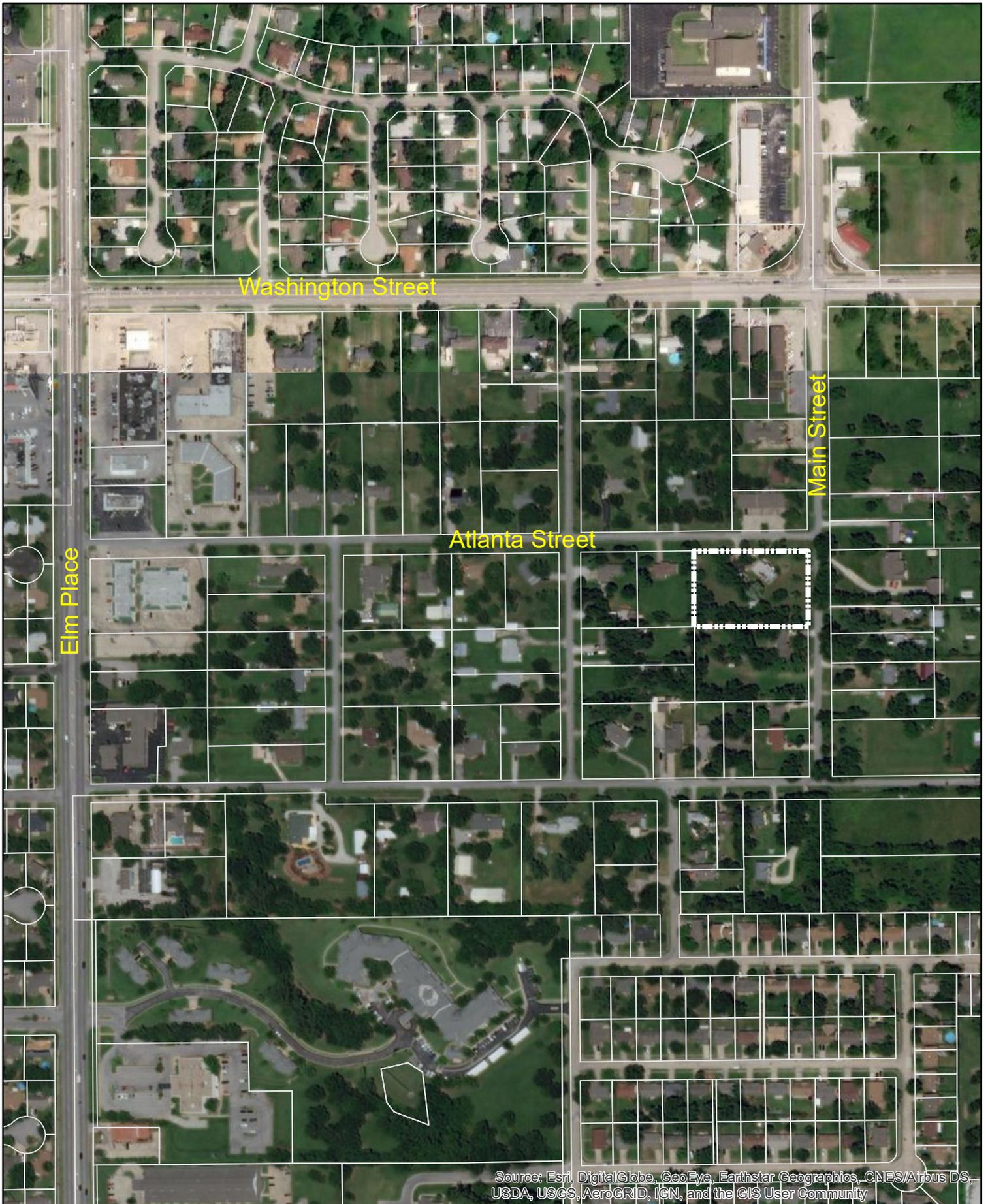


BAL-2043



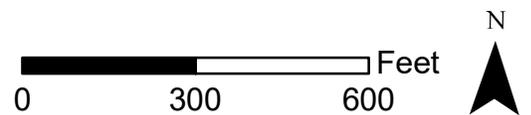
23 18-14



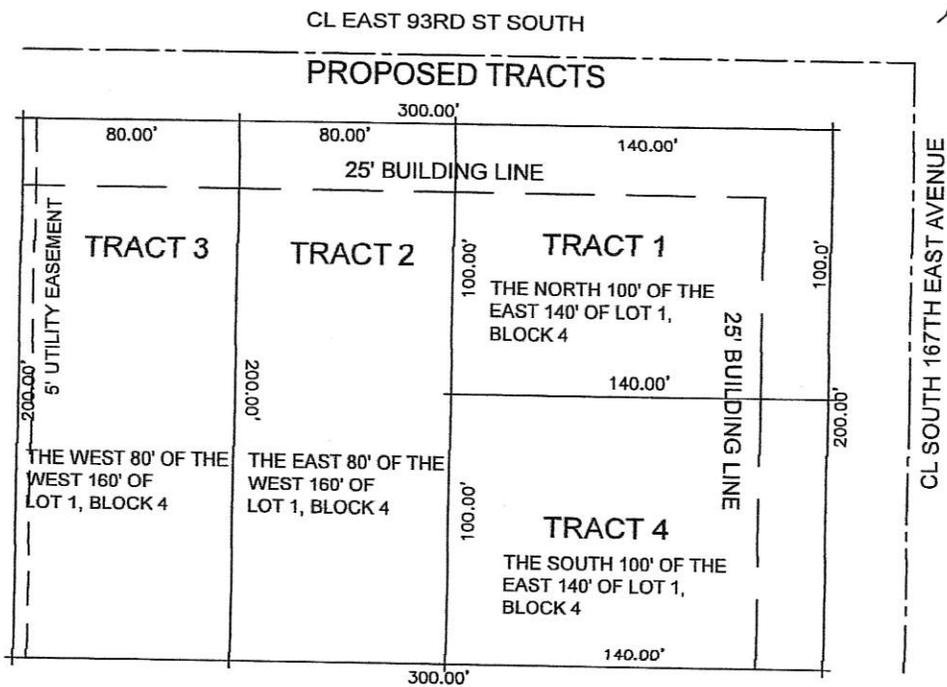
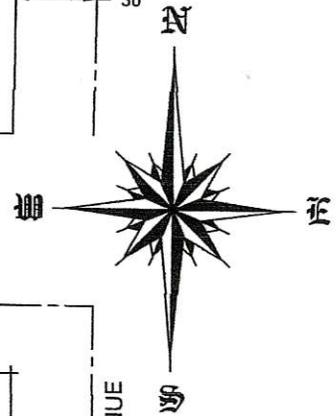
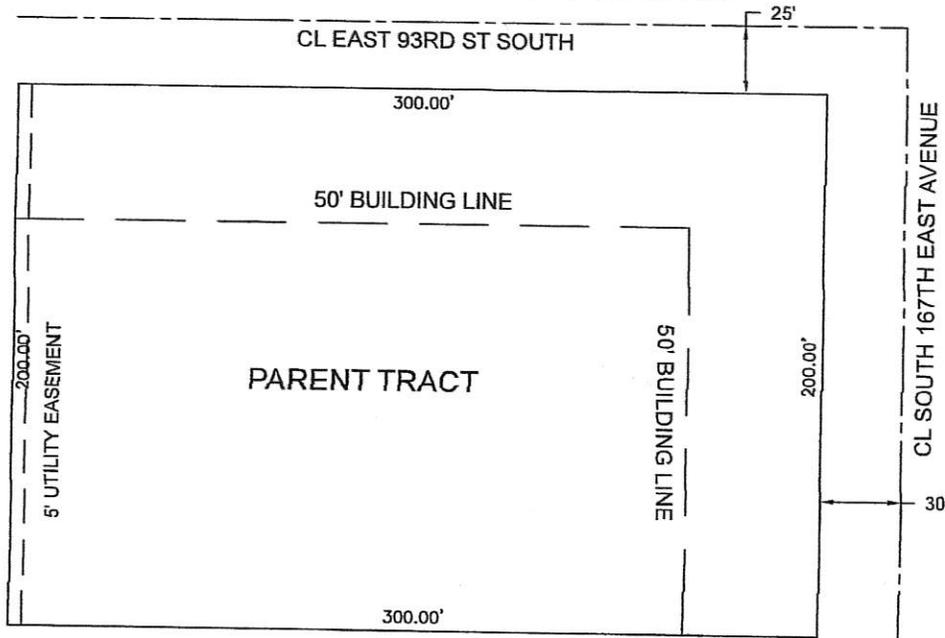


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

BAL-2043
115 Atlanta Lot Split



LOT SPLIT SURVEY

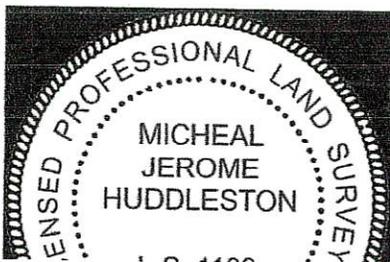


CITY OF BROKEN ARROW

OCT 10 2018

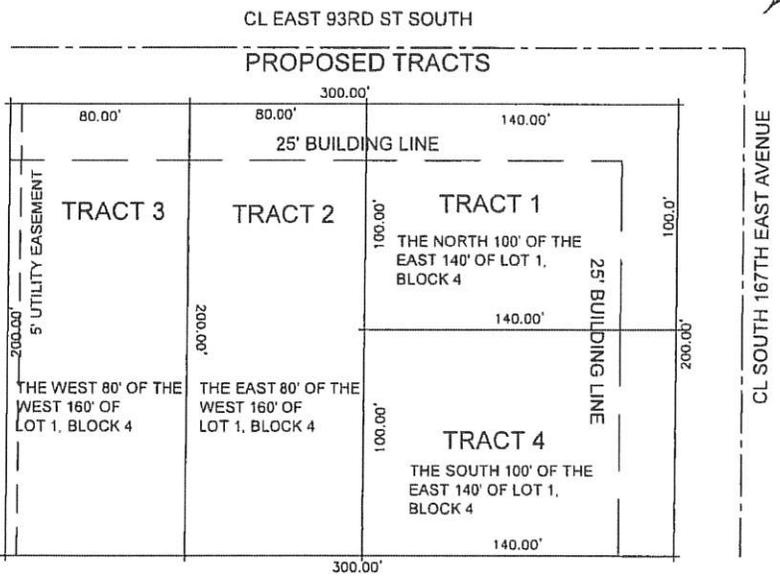
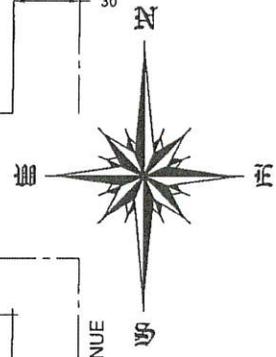
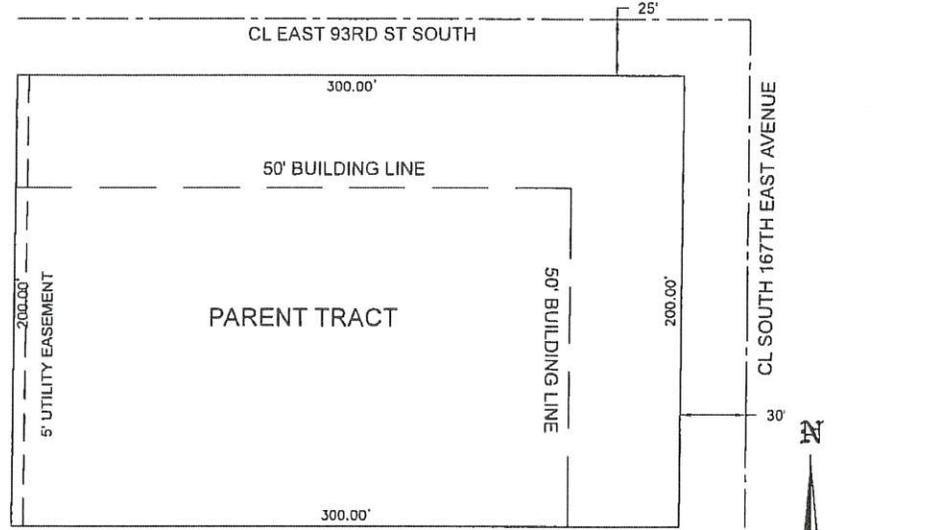
RECEIVED

Michael Jerome Huddleston



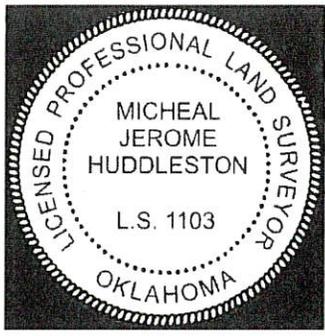
S & C CONSTRUCTION
LTD, LLC

LOT SPLIT SURVEY



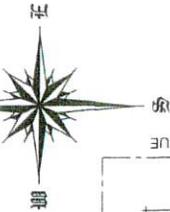
CITY OF BROKEN ARROW
 OCT 10 2018
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Michael Jerome Huddleston

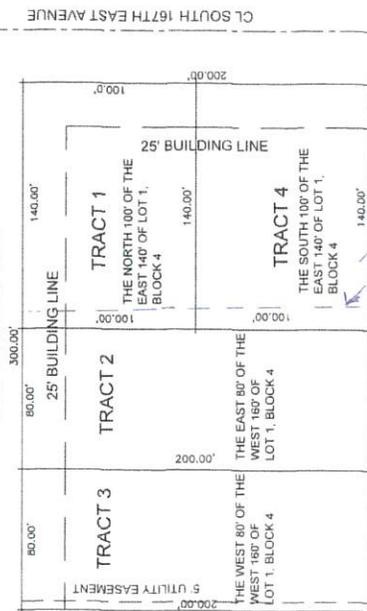


S & C CONSTRUCTION LTD, LLC		
DRAWN MJH	DATE 9/14/18	Huddleston Land Surveying, Inc P.O. Box 496 Vinita, Ok. 74301
APPROVED	DATE 9/13/18	Ph 918/451/1925 CA 1613 EXP 6/30/19
SCALE 1"=50'	SHEET	PROJECT NO.

LOT SPLIT SURVEY



PROPOSED TRACTS



Michael Jerome Huddleston



S & C CONSTRUCTION LTD, LLC

CITY OF BROKEN ARROW

OCT 10 2018

RECEIVED

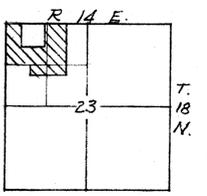
IN PROCESS OF PLATTING

ARROW ACRES EXTENDED

A PART OF N.W. 1/4 OF SEC. 23, T.18N, R.14E. Plat 1880
TULSA CO., OKLA.

174692

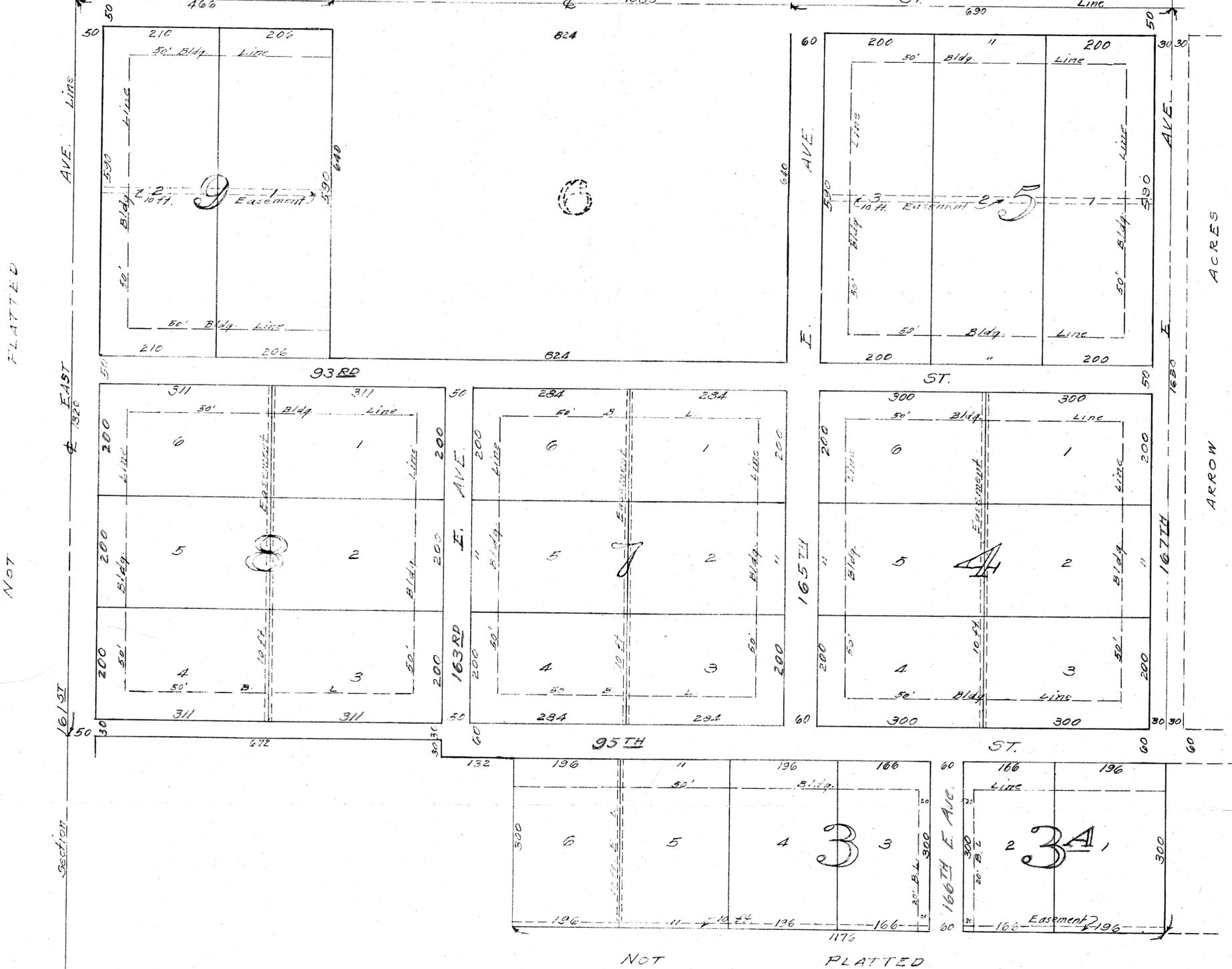
STATE OF OKLAHOMA
TULSA COUNTY
FILED
MAR 12 3 16 PM 1954
AND ONLY RECORDED BY
WILLIAM P. CRILE, JR.
COUNTY CLERK
TULSA, OKLA.
Michael Palmu



OPHIE B. & C. REITEL - Feb. 15, 1954

BUCKINGHAM ENGR. CO.

Scale 1"=100'



OWNERS CERTIFICATE OF DEED OF DEDICATION AND BILL OF ASSURANCE

KNOW ALL MEN BY THESE PRESENTS: **174692**

That C. R. Eitel and Ophie B. Eitel, husband and wife, residents of Tulsa County, State of Oklahoma, and the owners of the fee simple title in and to a certain tract of land known and described as a part of the NW 1/4 of Section 23, Township 18N., Range 14E. of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government survey thereof, and more particularly described as follows: "Beginning at the NW corner of said Section 23, thence South along the West line of said Sec. a distance of 1320 ft. to a point; thence East along the South line of the NW 1/4 of the NW 1/4 of said Sec. a distance of 30 ft. to a point; thence South and parallel to the West line of said Sec. a distance of 672 ft. to a point; thence East and parallel to the North line of said Sec. a distance of 132 ft. to a point; thence East and parallel to the West line of said Sec. a distance of 300 ft. to a point; thence North and parallel to the North line of said Sec. a distance of 1176 ft. to a point; thence North and parallel to the West line of said Sec. a distance of 1650 ft. to a point on the North line of said Sec. 23; thence South along the North line of said Sec. a distance of 690 ft. to a point; thence West and parallel to the North line of said Sec. a distance of 640 ft. to a point; thence South and parallel to the West line of said Sec. a distance of 824 ft. to a point; thence North and parallel to the West line of said Sec. a distance of 640 ft. to a point on the North line of said Sec.; thence West along the North line of said Sec. a distance of 466 ft. to the point of beginning and containing in all 56.00 acres more or less." Has caused the same to be surveyed, staked and platted into lots, blocks and streets, and designated the same as **ARROW ACRES EXTENDED** a subdivision in Tulsa County, Okla.

Whereas the above named owners being desirous of maintaining conformity in the improvements and providing protection for the future owners in the above named addition, and further to provide for necessary streets and other conveniences, hereby dedicate for the public use all of the streets as shown on said plat, and impose the following restrictive covenants for the mutual benefits of themselves and their successors in title to all or any portion of said tract hereinafter referred to as lots, and to create easements as hereinafter described to which it shall be incumbent upon them or their successors to adhere and observe as follows, to-wit:

(A) All lots in the tract shall be known, described and used as residential lots, with the following provision: No structure shall hereafter be erected, altered or placed on any residential building plot to exceed two stories in height, and a private garage for not more than two cars.

(B) No building shall be located nearer to the front lot line than the building set back line shown on the above plat. No building shall be located nearer than 7 feet to any side lot line, nor nearer than 50 feet to any side street line.

(C) No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

(D) No trailer, basement, tent, shack, garage, barn or other outbuilding erected in the tract shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

(E) No dwelling, the ground floor area of which is less than Eight Hundred and Forty (840) square feet, exclusive of open porches and garages, shall be placed on any lot.

(F) No fence of any type that exceeds six (6) feet in height, nor any fence of a solid type that exceeds four (4) feet in height shall be placed or permitted on any lot; nor shall fencing of any type be placed nearer the front lot line than the building setback line shown.

(G) These covenants are to run with the land and shall be binding on all of the parties and all persons claiming under them until February 1st, 1979, at which time said covenants shall be automatically extended for successive periods of ten (10) years, unless by vote of a majority of the then owners of the lots it is agreed to change the said covenants.

(H) If the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situated in said development or tract to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants, and either to prevent him or them from so doing, or to recover damages or other dues for such violation.

(I) Invalidation of any of these covenants by judgement or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

EASEMENT GRANT

The undersigned owners further dedicate to the public for public use forever, an easement and right-of-way as shown and designated on the accompanying plat, same being the rear ten (10) feet of each and every lot, or as otherwise shown for the purpose of constructing and maintaining, operating, repairing or removing sanitary sewers and other necessary facilities, telephone lines, electric power lines, gas lines and water lines, either by erecting poles, wires, conduits and pipes, and or any and all facilities, with right of ingress and egress upon said right-of-way, for the purposes and uses aforesaid.

Dated this 5 day of March, 1954.

C. R. Eitel
C. R. Eitel
Ophie B. Eitel
Ophie B. Eitel

State of Oklahoma }
County of Tulsa } SS

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared C. R. Eitel, and Ophie B. Eitel, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument of writing, and acknowledged to me therein set forth.

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

My commission expires My commission expires July 31, 1956.

Ruth Young
Notary Public

SURVEYORS CERTIFICATE

I, H. G. Buckingham, a Registered Professional Engineer No. 34 of Okla., and land surveyor, do hereby certify that I have carefully and accurately surveyed, staked and platted into lots, blocks and streets, **ARROW ACRES EXTENDED**, a subdivision of part of the NW 1/4 of Sec. 23, Twp. 18N., Rng. 14E., Tulsa County, Okla., more particularly described above; that iron pins have been set on each and every lot corner, and that the above plat is a true and correct representation of said survey.

Witness my hand and seal this 5 day of March, 1954.

H. G. Buckingham
H. G. Buckingham, Surveyor

State of Oklahoma }
County of Tulsa } SS

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared H. G. Buckingham, to me known to be the identical person who executed the within and foregoing instrument of writing, and acknowledged to me that he executed the same as his free and voluntary act and deed, for the uses and purposes therein set forth.

Witness my hand and seal this 5 day of March, 1954.

My commission expires My commission expires July 31, 1956.

Ruth Young
Notary Public

FINAL PLAT

Action Taken: Platted Date: March 17, 1954

TULSA METROPOLITAN-AREA PLANNING COMMISSION
TULSA, OKLAHOMA
By James C. Bush Chairman
This approval is void if this final plat is not filed in the Office of the County Clerk within 30 days after this date.

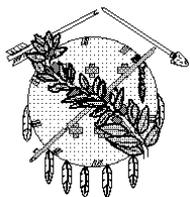
Pursuant to S. B. 113, O. S. L. 1951, I hereby certify that as to all real estate involved in this plat, all taxes have been paid as reflected by the current tax rolls and security has been provided for 1954 taxes not as yet certified to me.

Dated March 17, 1954

W. L. Heston
County Treasurer of Tulsa County, Oklahoma

March 17 1954





City of Broken Arrow

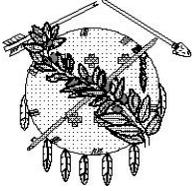
Request for Action

File #: 18-1251, Version: 1

Broken Arrow Planning Commission

11-01-2018

To: Chairman and Commission Members
From: Development Services Department
Title: Approval of Planning Commission meeting minutes of May 24, 2018
Background: Minutes recorded for the Broken Arrow Planning Commission meeting.
Attachments: Minutes of May 24, 2018
Recommendation: Approve minutes of Planning Commission meeting held May 24, 2018.
Reviewed By: Larry R. Curtis
Approved By: Michael W. Skates



City of Broken Arrow

Minutes Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

Chairperson Lee Whelpley
Vice Chairperson Ricky Jones
Commission Member Fred Dorrell
Commission Member Mark Jones
Commission Member Pablo Aguirre

Thursday, May 24, 2018

Time 5:00 p.m.

Council Chambers

1. Call to Order

Chairperson Lee Whelpley called the meeting to order at approximately 5:00 p.m.

2. Roll Call

Present: 5 - Pablo Aguirre, Mark Jones, Fred Dorrell, Ricky Jones, Lee Whelpley

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

Amanda Yamaguchi, Staff Planner, presented the consent agenda.

A. 18-597 Approval of Planning Commission Meeting Minutes of February 22, 2018

MOTION: A motion was made by Ricky Jones, seconded by Fred Dorrell.

Move to approve the Consent Agenda per Staff recommendations

The motion carried by the following vote:

Aye: 5 - Pablo Aguirre, Mark Jones, Fred Dorrell, Ricky Jones, Lee Whelpley

5. Consideration of Items Removed from Consent Agenda

There were no items removed from the Consent Agenda. No action was required or taken.

6. Public Hearings

A. 18-537 **Public hearing, consideration, and possible action regarding PUD-30C (Planned Unit Development) and BAZ-2001 (Rezoning), Johanna Woods II, 5.02 acres, A 1 to RMH/PUD-30C, one half mile east of 23rd Street, one quarter mile south of Omaha Street**

Planner II Jane Wyrick reported PUD-30C and BAZ-2001 was a request to change zoning from A1 to RMH/PUD-30C and to amend the existing Johanna Woods PUD by adding the above parcel. She stated the amendment included a reduction of the minimum lot width from 50 feet to 40 feet in the addition. She reported the property was not platted; however, the applicant intended to plat the property in conjunction with the PUD amendment. She reported a previous rezone request for the site was approved in 2002, but was not platted. She explained a PUD was approved by the City Council in 1982 for a 75.14 acres residential mobile home community with 242 lots; two later amendments permitted mobile homes to be owner or renter occupied, allowed the front building lines to be staggered and allowed the sale of mobile homes on site subject to conditions: only one mobile home be sold per lot and no more than six lots be for sale simultaneously. She stated access to the proposed addition was via the existing North 30th Street on the east side of Johanna Woods. She stated Reserve A, on the north side of the site along East Omaha Street, was designated as a landscape area, but may include a community storm shelter in the future. She stated Reserve D, located on the west side of the site, would be dedicated to the City for additional roadway. She stated the applicant proposed to dedicate 50 feet of right of way along East Omaha Street and 5 feet along North 30th Street when the site was platted. She reported construction of a sidewalk along East Omaha Street would also be required with the plat. She stated the applicant proposed minimal clearing of trees and intended only to remove trees for mobile home pads and utility connections; utilities were available in the area. She stated no on-site detention was required for the proposed addition. She stated the development proposed with PUD-30C and BAZ-2001 was considered to be in compliance with the Comprehensive Plan at Level 3. She stated Staff recommended PUD-30C and BAZ-2001 be approved subject to the property being platted.

Mr. Tim Terrell with Tulsa Engineering Planning and Associates stated his address was 9820 East 41st Street, Suite 102, Tulsa. He reported PUD-30C was similar in layout to what was approved in 2003. He explained at that time the intended lot size was 70 feet in anticipation of triple wide homes which never came to fruition; therefore, the reduction in lot size to 40 feet was requested. He reported the plan would be similar to the preliminary plat which would be submitted; the change was an addition of four lots, each 40 feet wide. Vice Chairperson Jones asked if Phillips 66 required any additional setback from the easement for the gas lines. Mr.

Terrell responded in the negative; the setback was 5 feet outside of the easement which was standard.

Chairperson Whelpley opened up the Public Hearing for Item 6A. He asked if any present wanted to speak regarding Item 6A.

Citizen Jack Bar stated his address was 5304 South 203rd East Avenue, Broken Arrow; across the street from the proposed mobile home park. He reported he and his neighbor did not approve of the proposed mobile home park; it would be too many homes in too small an area and he was concerned traffic would worsen. He stated he also worried about overcrowding of Liberty Elementary School in the area. He stated his greatest concern, as well as his neighbor's, was reduction in property value.

Citizen Don Bender stated his address was 4953 South 204 East Avenue, Broken Arrow. He stated he and his neighbors were concerned about a drop in property values. He stated as a retiree on a fixed income he was considering a reverse mortgage which included periodic property appraisal. He stated he was concerned the expansion of the trailer park would bring his property value down which in turn would adversely affect his reverse mortgage and the funds available to him. Vice Chairperson Jones explained the Planning Commission could not consider valuation of homes in matters of rezoning. Mr. Bender stated this was unfortunate as this decision could directly impact his personal finances.

Chairperson Whelpley asked if any other present wished to speak regarding Item 6A. Seeing none, he closed the Public Hearing for Item 6A.

Vice Chairperson Jones stated the Planning Commission was strictly limited in what it could consider in rezoning applications; considerations included relation to Comprehensive Plan, existing zoning and development patterns, etc.

MOTION: A motion was made by Ricky Jones, seconded by Fred Dorrell.

Move to approve Item 6A per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Pablo Aguirre, Fred Dorrell, Ricky Jones, Lee Whelpley
Abstain: 1 - Mark Jones

Chairperson Whelpley stated Item 6A would go before City Council on June 18th, 2018 at 6:30 p.m. He explained if any citizen desired to speak regarding this Item, said citizen was required to fill out a Request to Appear Before City Council form in advance.

B. 18-581 Public hearing, consideration, and possible action regarding BAZ-2000, Angus Acres Perimeter Rezoning, approximately 15 acres, A-R-1 to ON, south and east of the south east corner of Kenosha Street and 23rd Street

Senior Planner Brent Murphy reported BAZ-2000 was an A-R-1 (annex single family residential) to ON (office neighborhood) rezoning request. He stated the property was platted in Wagoner County as part of the Angus Acres Addition in December 1957 and was annexed into Broken Arrow city limits in 1980; 10 of the 11 lots had single family homes and the 11th lot was vacant. He stated when Angus Acres was platted, 25 feet of right of way was dedicated along County Line Road (23rd Street), while current regulations required 60 feet of right of way along County Line Road. He explained the lots initially were 301 feet in width; however, the lots were split, became 150 feet wide, and now would lose an additional 35 feet to right of way for the upcoming road widening. He stated the property was designated Level 2 in the Comprehensive Plan, ON was identified as possible in Level 2, and was considered to be in accordance with the Comprehensive Plan when located adjacent to an arterial street such as Kenosha or County Line Road. He stated there were commercial zoning uses which occurred to the west side and north side of County Line Road. He stated based on the Comprehensive Plan, location of the property, and surrounding land uses, Staff recommended BAZ-2000 be approved subject to the property being replatted in accordance with the subdivision regulations. He reported Staff explained to the applicant the process required as part of the replatting, including engineering and improvements.

Chairperson Whelpley asked if County Line Road was to be widened along the east or west side of the road. Mr. Murphy responded both sides of the road; County Line Road would be widened from two lanes to five lanes and construction would affect both sides of the road. Vice Chairperson Jones stated there was a private deed restriction filed with the residential subdivision which indicated all lots were to be used for residential purposes only; however, private deed restrictions were outside the purview of the Planning Commission, and legally the Planning Commission could only enforce zoning codes, not private deed restrictions which were considered to be between the developer and the residents. Mr. Murphy stated the applicant was aware of the deed restriction. Chairperson Whelpley asked if Wagoner County had any further legal hold on this property. Mr. Murphy responded in the negative. Plan Development Manager Larry Curtis stated he had a signed petition opposed to BAZ-2000 which would be made part of the record.

Chairperson Whelpley opened up the Public Hearing for Item 6B. He asked if any present wanted to speak to Item 6B.

Citizen Don Stacey stated his address was 2002 Archdale Street, Broken Arrow. He stated he was the group representative of the 11 individuals involved in the zoning application. He explained the road widening was the initial reason for the rezoning application; a large amount of yard space would be lost with the road widening, reducing side yard space to 3 feet in some cases. He stated, in addition, there would be an unfenced jogging and bicycling trail located within a few feet of several homes. He stated a 3 foot side yard was out of compliance with the required 15 foot side yard along arterial streets. He reported the homes located along 23rd Street would be virtually unmarketable residentially when the road and trail were completed. He stated there were six properties located on 71st Street, east of the bank, who wished to be included in the zoning application for various reasons, three of which were rental properties. He stated of the properties located along 23rd Street one was a rental property and one was a vacant lot. He stated the applicants chose office neighborhood after consulting with development services, as this was possible in Level 2 of the Comprehensive Plan and qualified to be rezoned office neighborhood as the properties were located along an arterial street. He stated there were commercial businesses across the street to the west and north of the properties. He stated he felt office neighborhood would be a good fit for the area as a buffer between commercial retail and residential area. He stated he understood office neighborhood had limited hours of operation as opposed to commercial retail. He stated his applicant group requested due consideration and approval of the rezoning request.

Citizen David Stephenson stated his address was 2018 Archdale Street, Broken Arrow and he had been a resident at this address since 1970. He stated it was a lovely neighborhood, but was now divided. He stated a number of years ago the neighborhood spoke with one voice against becoming a commercial area. He stated he understood Mr. Stacey's reasoning. He indicated on the map displayed which lots along Archdale he and his wife owned and lived in, as well as which lot his daughter lived in with her son. He stated he had a vested interest in the neighborhood. He reported every resident he had spoken to within Angus Acres, other than the applicants, were opposed to the change in zoning. He stated he was concerned traffic would increase through the neighborhood and was concerned it would be dangerous for children waiting for the school bus. He stated he was concerned the property values in the remainder of the neighborhood would drop if the rezoning was approved. He stated there were residents who were out of state and unable to sign the petition who were also opposed. He asked for the Planning Commission's consideration.

Vice Chairperson Jones stated he wanted it understood it was not that he did not care about home values; state law dictated what criteria the Planning Commission was to weigh in the decision making process. He intimated he did care, but was not permitted to allow his feelings in the matter to affect his decision.

Citizen Judy Whiten stated her address was 2021 Angus Drive, Broken Arrow. She stated her home faced 71st Street and she worried what her impending view would be when offices were built along 71st Street. She stated her home would face the rear of the office buildings, the trash receptacles, etc. She stated she currently had health problems which kept her home and she spent a great deal of time on her front porch. She stated she was concerned her new view would be extremely unattractive. Mr. Larry Curtis explained if the zoning were approved it would be subject to platting, which meant the developer would be required to install an opaque wood fence from which the buildings would be set back a minimum of 35 feet. Ms. Whiten stated she did not want to sit on her front porch and have a fence and the rear of a building as her view.

Citizen Perry "Butch" Neufeld stated his address was 2010 Angus Drive, Broken Arrow. He stated he lived at this address for 32 years. He stated he approved of the rezoning request. He asked the Planning Commission to approve the request.

Citizen Brian Anthony Homberger stated his address was 2414 East Sydney, Broken Arrow, in Angus Acres II, and lived in his home for 18 years, from the time it was a part of Wagoner County. He stated he had paid off his home and recently invested \$75,000 in his home; he built an attached 4 car garage, remodeled, and planned on living in his home the rest of his life. He stated Mr. Stacey used to be president of the home owners association. He stated he was concerned about what would become of his family and his neighborhood. He stated there were only two homes on County Line Road which would be affected by the road widening. He stated he looked forward to the widening of County Line Road as he thought that would improve traffic, but with the rezoning there would be a row of doctor's offices on his side of County Line Road and he worried traffic would again be terrible. He stated he felt bad that Mr. Stacey would only have 3 feet of yard space in his side yard, but he felt that was Mr. Stacey's bad luck and it should not affect his family, his legacy and his home. He stated he was concerned his property value would drop. He stated the zoning would be changed to benefit one or two individuals and he did not approve. He stated ON zoning did not guarantee

limited hours of operation. He explained minor emergency centers, which were zoned for ON, were open 24 hours. He stated he feared ON zoning would just be the beginning, next the zoning would be changed to CN. He asked Planning Commission to deny the zoning change request. He stated the neighborhood covenant indicated the area would remain residential neighborhood unless 51% of the vote approved a change. He stated he did not understand why the City of Broken Arrow could not enforce or respect the covenant. He stated he felt the covenant should be honored.

Citizen Robert Talley stated his address was 2030 Angus Drive, Broken Arrow. He stated he was in favor of the rezoning. He stated when he first moved into the area there was a sign which indicated the neighborhood was for sale, and while at the beginning it was agreed the neighborhood should stick together, it was impossible for that to continue. There was no way to get all 30 residents to agree. He stated he understood why the residents on the interior of the neighborhood would not want the exterior residents to change zoning as there would be an element of added noise and traffic; however, the exterior residents had been dealing with the noise and traffic for years. He stated he should not be punished to preserve the interior neighbors. He asked, if the rezoning was approved, would he have the ability to rent his house as an office and would he have the right to continue to lease his house residentially. Mr. Larry Curtis responded if the rezoning was approved and Mr. Talley wished to rent his home as an office building, Mr. Talley would be required to have his property replatted; however, he would be able to continue to use/lease his home for residential purposes without replating the property.

Citizen Diane Alden stated her address was 2526 East Sydney Avenue, Broken Arrow. She stated she was opposed to the rezoning. She stated she appreciated that the rezoning application was ON and not commercial retail, but she was concerned about the children and elderly who walked through the neighborhood with the increased traffic.

Citizen Anthony Miner stated his address was 2017 Angus Drive, Broken Arrow. He stated he had only lived at this property for 6 years. He stated he was not in favor of or opposed to the rezoning.

Citizen Janna Moore stated her address was 2038 High Crest Drive, Broken Arrow. She stated her home was next door to the proposed rezoning and she opposed the rezoning.

Citizen Shirley Ketcher stated her address was 2001 Archdale Drive, Broken Arrow. She stated her property would be negatively affected by the road widening. She explained she currently endured traffic and noise in her location, and the road widening would certainly make this worse. She stated she would not be able to sell her property for a fair price once the road was widened if it was not rezoned. She stated there had been numerous accidents in her yard, but if offices were allowed there would be less of an accident risk as offices would be further back from the road. She stated she was not trying to be cruel to her neighbors; she was simply trying to protect herself in the wake of progress. She stated she was not out to make a profit; she wanted her family to be safe and away from a major road. She approved the rezoning.

Citizen Perry "Butch" Neufeld stated his address was 2010 Angus Drive, Broken Arrow. He stated he loved his home, but he was tired of the noise from the QuikTrip and the church nearby. He stated he had many traffic accidents in his yard; he was tired of it and was ready to leave.

Mr. Curtis stated if the ON zoning was approved, properties were replatted and offices were built, all driveway and parking access to the offices would be via Kenosha or County Line; access would not be allowed through the residential streets of the subdivision.

Citizen Clarence Duane Smith stated his address was 716 Kilby Drive, Broken Arrow. He stated he had lived at this address for 40 years. He stated he served as the inspection manager in Tulsa for a number of years. He stated he was opposed to the rezoning. He stated the neighborhood covenant indicated a majority of the residents was required to change the zoning and he had received informal legal advice that the covenant could affect the rezoning. He stated if the rezoning was approved, his quality of life would be lowered and crime would increase.

Mr. Don Stacey stated his address was 2002 Archdale Drive, Broken Arrow. He stated his property was on 23rd Street and he had been plagued with accidents on his property; his daughter was almost killed by a driver who went through the side of his house. He stated he installed a wall of telephone poles in his side yard in defense which many cars had hit and he worried the road widening would make the accident problems much worse. He stated he loved his home, had lived there for 50 years, but it had reached the point that the noise and the danger were intolerable. He stated by selling the 35 foot right of way he lost his telephone pole wall and the City refused to install a barrier to protect his home. He stated the road widening would significantly reduce his property value residentially. He stated he approved the rezoning.

Chairperson Whelpley asked if any other wished to speak regarding Item 6B. Seeing none, he closed the Public Hearing for Item 6B.

Commissioner Dorrell stated he understood the resident's concerns. He stated he had difficulties with the rezoning. Chairperson Whelpley stated he believed ODOT was widening the street, not the City. Mr. Curtis explained ODOT provided the funds, but it was a City project.

Vice Chairperson Jones stated he sympathized with the concerns of the residents in the area. He stated he had never been a fan of residential property accessing a primary arterial road. He stated County Line Road was an arterial road which would be widened, and as a result, would no longer be suitable for residential single family homes; therefore, he felt it was an orderly transition to move from residential to nonresidential use in the area. He stated non-commercial office zoning provided safeguards in the zoning code which would help mitigate the negative impact through the platting process. He was in favor of the rezoning from this standpoint.

MOTION: A motion was made by Ricky Jones, seconded by Pablo Aguirre.

Move to recommend approval of BAZ-2000 based on the Comprehensive Plan per Staff recommendation

The motion carried by the following vote:

Aye: 2 - Pablo Aguirre, Ricky Jones
Nay: 3 - Mark Jones, Fred Dorrell, Lee Whelpley

Mr. Larry Curtis stated as the action by the Planning Commission was not to approve this item, the applicant had 15 days to appeal this item to City Council, filed through the City Clerk within the 15 day period. He stated if it was filed with the City Clerk it would go before City Council. He stated there would be no notice as it was an appeal and all parties needed to check the City Council Agenda on the City website for the next 60 days.

Chairperson Whelpley explained if any citizen desired to speak regarding this Item at City Council, said citizen was required to fill out a Request to Appear Before City Council form in advance. He stated citizens had a 3 minute time limit to speak during City Council Meetings.

7. Appeals

There were no Appeals.

8. General Commission Business

A. 18-469 Election of Planning Commission Officers for 2018-2019

Commissioner Dorrell nominated Ricky Jones as Chairperson and Lee Whelpley as Vice Chairperson.

MOTION: A motion was made by Fred Dorrell, seconded by Mark Jones.

Move to elect Ricky Jones as Chairperson for 2018-2019

The motion carried by the following vote:

Aye: 4 - Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley
Abstain: 1 - Ricky Jones

MOTION: A motion was made by Mark Jones, seconded by Fred Dorrell.

Move to elect Lee Whelpley as Vice Chairperson for 2018-2019

The motion carried by the following vote:

Aye: 4 - Pablo Aguirre, Mark Jones, Fred Dorrell, Ricky Jones
Abstain: 1 - Lee Whelpley

B. 18-601 Presentation of Training Material for Planning Commission

Chairperson Whelpley stated Item 8B should be tabled until the next Planning Commission Meeting.

MOTION: A motion was made by Mark Jones, seconded by Ricky Jones.

Move to table Item 8B until the next Planning Commission Meeting

The motion carried by the following vote:

Aye: 5 - Pablo Aguirre, Mark Jones, Fred Dorrell, Ricky Jones, Lee Whelpley

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

There were no Remarks, Inquiries or Comments by Planning Commission and Staff.

10. Adjournment

The meeting adjourned at approximately 6:16 p.m.

MOTION: A motion was made by Ricky Jones, seconded by Fred Dorrell.

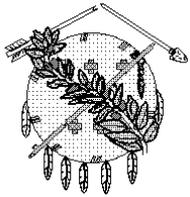
Move to adjourn

The motion carried by the following vote:

Aye: 5 - Pablo Aguirre, Mark Jones, Fred Dorrell, Ricky Jones, Lee Whelpley

Mayor

City Clerk



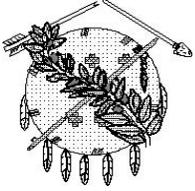
City of Broken Arrow

Request for Action

File #: 18-1252, Version: 1

**Broken Arrow Planning Commission
11-01-2018**

To: Chairman and Commission Members
From: Development Services Department
Title: Approval of Planning Commission meeting minutes of June 14, 2018
Background: Minutes recorded for the Broken Arrow Planning Commission meeting.
Attachments: Minutes of June 14, 2018
Recommendation: Approve minutes of Planning Commission meeting held June 14, 2018.
Reviewed By: Larry R. Curtis
Approved By: Michael W. Skates



City of Broken Arrow
Minutes
Special Meeting Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

Chairperson Lee Whelpley
Vice Chairperson Ricky Jones
Commission Member Fred Dorrell
Commission Member Mark Jones
Commission Member Pablo Aguirre

Thursday, June 14, 2018

Time 5:00 p.m.

Council Chambers

1. Call to Order

Vice Chairperson Ricky Jones called the meeting to order at approximately 5:00 p.m.

2. Roll Call

Present: 3 - Mark Jones, Lee Whelpley, Ricky Jones

Absent: 2 - Pablo Aguirre, Fred Dorrell

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

Senior Planner Brent Murphy presented the Consent Agenda.

- A. 18-634 Consideration and possible action regarding request for use of metal exterior building material, ST14-118B, Continental Industries, 19.43 acres, IH, 21808 E. Highway 51 (south of Washington Street on the west side of Highway 51)**

Mr. Murphy stated the applicant was present and agreed with the Staff Report.

Chairperson Lee Whelpley asked what the metal was in lieu of. Mr. Murphy replied the applicant asked permission to retain a metal exterior along the east side of the building which faced Highway 51, but was mostly screened by the existing building, during phase 1 of the project. He explained during phase 2, masonry products would be applied to the exterior of the building.

- B. 18-675 Approval of BAL-2031, Margaret H. Page Revocable Trust Lot Split, 1 Lot, 2.58 acres, one-quarter mile west of Elm Place, one third mile north of Jasper Street**

Mr. Murphy stated the applicant was present and agreed with the Staff Report.

Vice Chairperson Ricky Jones explained the Consent Agenda consisted of routine items, minor in nature, and was approved in its entirety with a single motion and a single vote, unless an item was to be removed for discussion. He asked if there were any Items to be removed. There were none.

MOTION: A motion was made by Mark Jones, seconded by Lee Whelpley.

Move to approve the Consent Agenda per Staff recommendation

The motion carried by the following vote:

Aye: 3 - Mark Jones, Lee Whelpley, Ricky Jones

5. Consideration of Items Removed from Consent Agenda

There were no items removed from the Consent Agenda. No action was required or taken.

6. Public Hearings

- A. 18-673 Public hearing, consideration, and possible action regarding BAZ-2002, Margaret H. Page Revocable Trust, 2.58 acres, A-R-1 to RS-1, one-quarter mile west of Elm Place, one-third mile north of Jasper Street**

Plan Development Manager Larry Curtis reported in conjunction with BAZ-2002, BAL-2031 a request for a lot split on the property, was also submitted. He reported the property was annexed into the City of Broken Arrow on May 20, 2002 by Ordinance No. 2446. He stated a 50 foot wide roadway easement was provided along 127th Street, but no utility easement was provided. He stated none of the property was located within the 100 year flood plain. He stated since 2009 there were four other requests to change the zoning on properties in this neighborhood from A-R-1 to RS-1 (BAZ-1831, BAZ-1849, BAZ-1901 and BAZ-1910) which were approved. He reported in each of the four requests City Council waived the platting and sidewalk requirement. He stated there was no sidewalk within this neighborhood. He stated on August 8, 2015 a document was recorded in Tulsa County amending the protective restrictions to change the minimum lot size from 1.5 acres to 1 acre and while the City could not enforce private covenants, the proposed lot split submitted in

conjunction with this rezoning request met the minimum lot size requirements of the covenant. He stated the property was designated Level 1 in the Comprehensive Plan, and the RS-1 zoning requested with BAZ-2002 was considered in compliance with the Comprehensive Plan in Level 1. He reported Staff recommended BAZ-2002 be approved, and as per other rezoning cases in the neighborhood Staff recommended platting and sidewalk requirements be waived. He stated the applicant was present and in agreement with the Staff Report.

Mr. Russell Peterson stated his address was 107 West Commercial, Broken Arrow. He reported he was a local attorney who represented the applicants in this matter. He explained the applicants owned a double wide lot in the development and wished to divide the lot in two. He stated the applicants agreed with Staff recommendations.

Vice Chairperson Jones opened up the Public Hearing for Item 6A. He asked if any present wanted to speak regarding Item 6A. Seeing none, he closed the Public Hearing for Item 6A.

MOTION: A motion was made by Mark Jones, seconded by Lee Whelpley.

Move to approve Item 6A, BAZ-2002, as per Staff recommendation

The motion carried by the following vote:

Aye: 3 - Mark Jones, Lee Whelpley, Ricky Jones

Vice Chairperson Jones stated Item 6A would go before City Council on July 3, 2018 at 6:30 p.m. He explained if any citizen desired to speak regarding Item 6A, said citizen was required to fill out a Request to Appear before City Council form in advance.

B. 18-676 Public hearing, consideration, and possible action regarding PUD-253A (Planned Unit Development Major Amendment), North Rose Business Park (A.K.A Kenosha Elm Business Park), 13.20 acres, R-2, RM, CM, and CH to ON, CN, and IL (BAZ-1965)/ PUD-253A, north of Kenosha Street, one-quarter mile east of Elm Place

Plan Development Manager Larry Curtis reported the applicant proposed to construct a mixed use development consisting of existing retail shops fronting Kenosha Street, warehouse office, medical office, mini-storage to the north, and three office buildings on the east side of the property. He stated a new public street (North Birch Avenue) would divide the property from Kenosha Street to the Broken Arrow storm water detention facility to the north. He stated on June 18, 2012 City Council conditionally approved BACP-123, a request to change the Comprehensive Plan designation on 6.51 acres from Level 2 Urban Residential, to Level 6 Regional Employment Commercial. He stated approval was contingent upon the property being platted and developed through the PUD process. He stated on November 17, 2016 City Council conditionally approved PUD-253 and BAZ-1965, a request to change the zoning from residential multifamily single family R2, commercial neighborhood CN, and commercial heavy CH, to industrial light IL, and PUD-253 for existing retail shop frontage, storage units, and office buildings. He explained approval was contingent on the property being platted and as of today the property was unplatted. He stated PUD-253A described dividing the property into development areas A, B and C with a public street being constructed between development areas A/C and B. He reported the permitted uses in area A, on the west half of the property, were warehouse office, medical office, business and professional offices, financial institutions without drive-through facilities, mini-storage with accessory offices and potential for communication towers through the specific use permit process. He stated a landscaped area of at least 30 feet in width would be provided on the north side of development area A with a minimum 80 foot wide natural undisturbed area for the Park Grove Creek Drainage Way and along the new public street the landscaping edge would be 10 feet. He reported development area B was on the east side of the proposed new public street and as per PUD-253, which was previously approved, this area was proposed to be developed for office use only. He stated the types of offices were limited to medical offices or clinics, businesses and professional offices, and financial institutions without drive-through facilities. He stated a landscaped area at least 30 feet in width would be provided on the north, east and south sides of area B. He reported there would be an 8 foot high screening fence installed in the initial construction phases along the east boundary of development area B, abutting Kenwood and Kenwood IV additions. He stated development area C was on the west side of the proposed new public street and south of development area A, and was proposed to remain for retail use as allowed by the commercial neighborhood district. He stated water and sanitary sewer were provided to the property by the City of Broken Arrow. He stated none of the property was located within the 100 year flood plain. He stated PUD-253A was considered in compliance with the Comprehensive Plan in Level 6. He stated Staff recommend PUD-253A, a major amendment of PUD-253, for North Rose District Park, be approved subject to the property being platted. He stated the applicant was present and in agreement with the Staff Report.

Mr. Mark Capron with Sisemore Weisz stated his address was 6111 East 32nd Place, Tulsa. He stated Staff did an excellent job describing the process. He reported the property had a new owner who wanted to try something different in one of the development areas, hence the amendment to the PUD. He stated the previous owner proposed mini-storage in development

area A, while the new owner wished to have the ability to construct something other than mini-storage in development area A. He explained otherwise the PUD had changed very little. He stated the places of assembly had been removed from area B at the request of Mr. Larry Curtis. He stated the existing retail stores would be unchanged. He displayed and reviewed a map which illustrated where the development areas were located, the public road, the private drives, the fence screening, the landscaping, what types of businesses the developer expected in each area, etc. He stated some of the neighborhood fencing was on this property and the 30 foot buffer area would work around the existing fencing. He stated the landscaping in each zone would be completed as each zone was developed. He stated the original PUD was approved by the Planning Commission and City Council.

Chairperson Whelpley asked if the curb on Kenosha was considered the ingress and egress for North Birch Avenue. Mr. Capron responded in the affirmative; North Birch Avenue was the main entrance into the development with a secondary private drive entrance west of North Birch Avenue.

Vice Chairperson Jones opened up the Public Hearing for Item 6B. He asked if any present wanted to speak regarding Item 6B.

Dr. George Ballew stated he had a home next door to the proposed development. He asked if an environmental study had been completed. Vice Chairperson Jones stated an environmental study was not required by the City. Dr. Ballew asked what would be done about storm water. Mr. Capron responded the City had done a detention determination for the property; he reviewed the map and discussed which areas would drain in which direction and the proposed detention facility. Vice Chairperson Jones stated engineering plans would be submitted and reviewed by the City to ensure storm water runoff criteria were met. He stated water drainage issues would be addressed during the platting process. He recommended Dr. Ballew check with staff in several weeks regarding how the developer proposed to address storm water runoff and request a copy of the plans. Dr. Ballew asked if the storm water criteria also addressed red mud and crawfish. Vice Chairperson Jones responded in the affirmative; the City would look at storm water runoff and sediment erosion runoff. He stated he was unsure about the crawfish, but the mud would be addressed. Dr. Ballew expressed concern about the red crawfish population. Vice Chairperson Jones stated unless crawfish were an endangered species on the federal fish and wildlife list, crawfish would not be under any sort of regulation. Dr. Ballew asked if the storm water would be directed via pipes or ditches. Mr. Capron responded the plans would be submitted in several weeks and he believed an open swell storm sewer with inlets on the eastern side was being considered. Dr. Ballew stated he did not believe an open ditch would be effective as there was too much water flow currently in the area. Mr. Capron stated he understood that the property, as it was, did not drain very well; however, the development of the property would improve the drainage.

Mr. Don Stephens stated his address was 1104 North Circle Drive, Broken Arrow. He asked to view the zoning map. He stated he was concerned there was no way to determine what types of businesses went into the development. He stated the area was currently an eye sore and a body shop type business would not improve this. He stated Kenosha was not wide enough for current traffic and without a turn lane onto North Birch Avenue the traffic would only worsen. He stated he was concerned about the water drainage issues in the area. He stated he was concerned about how the development would affect his property value. Development Services Director Michael Skates stated a body shop would not be allowed in this location; development area A was designated as office space, financial institution space, doctor offices, and mini-storage. He stated there was a project under design for Kenosha from Date toward Main Street for curb and guttering and road improvements which he believed would be finished later this year; construction might be underway in October 2019. He stated this particular development would make every effort to collect water and direct it away from the neighborhood; no water would be directed east. He stated the consultants were working diligently with Storm water and Engineering to determine how to regulate water from the detention area back into the City's system. He stated every effort was being made to construct a development which would improve property value and be of benefit to the Community. Mr. Stephens asked if there was a road which led from North Birch Avenue west. Vice Chairperson Jones responded in the affirmative; however, it was a private drive. Mr. Stephens asked if the road would go through to Elm. Mr. Skates responded in the negative; there was a creek which caused complications, as well as the detention facility. He stated in the future, a road from the development to Elm was a possibility.

Mr. Jeff Wilson stated his address was 8310 East Greeley Place, Broken Arrow. He stated he was George Ballew's grandson. He stated he was a young businessman who grew up in Broken Arrow. He stated he understood that development area A would include mini-storage which was a concern. He stated Mr. Capron had indicated that plumbers, electricians, etc., were intended to office out of development area A. He asked for clarification. He stated he had worked in the mini-storage and electrician industry and was concerned about crime and theft. He stated the City did a tremendous job revitalizing the Downtown area and he was

disappointed to see mini-storage and industrial warehouse use proposed in this location, being so close to Downtown. He stated office buildings, dental offices, and other nicer purposes would be a great fit, but he had a tremendous concern regarding the proposed development of mini-storage and industrial warehouses. Mr. Skates stated the development specifically read warehouse/office. He stated the warehouse portion would be 50% or less and would be similar to what was seen at New Orleans and Aspen; retail in the front with office warehouse type units in the back. He stated the development area A could be warehouse/office, medical office, business/professional office, financial institution without a drive-through, or mini-storage. He stated a mini-storage facility would require security and all buildings would be required to meet all current codes. He stated he could not know if one type of business had a higher burglary rate than another. Mr. Wilson asked if the passage of this PUD allowed mini-storage if the developer so desired. Mr. Skates responded in the affirmative. Mr. Wilson stated he felt that was a bad idea for the City of Broken Arrow, for 71st Street and Main and he requested this be reconsidered by the City Council and concerned parties.

Mr. Jerry Champion stated his address was 1108 North Circle Drive, Broken Arrow. He stated currently there was an issue with lighting in this area; there was a street light currently which glared into his home and he asked how the lighting would be addressed. Vice Chairperson Jones responded all lighting would be shielded and directed downward with minimal property line spillage.

Vice Chairperson Jones asked if any other present wished to speak regarding Item 6B. Seeing none, he closed the Public Hearing for Item 6B.

MOTION: A motion was made by Lee Whelpley, seconded by Mark Jones.

Move to approve Item 6B, PUD-253A, as per Staff recommendation

The motion carried by the following vote:

Aye: 3 - Mark Jones, Lee Whelpley, Ricky Jones

Vice Chairperson Jones stated Item 6B would go before City Council on July 3, 2018 at 6:30 p.m. He explained if any citizen desired to speak regarding Item 6B, said citizen was required to fill out a Request to Appear before City Council form in advance.

7. Appeals

There were no Appeals.

8. General Commission Business

A. 18-601 **Presentation of Training Material for Planning Commission**

Vice Chairperson Jones stated the Presentation of Training Material for Planning Commission was to be tabled until the next regularly scheduled Planning Commission Meeting.

MOTION: A motion was made by Lee Whelpley, seconded by Mark Jones.

Move to table the Presentation of Training Material for Planning Commission until the next Planning Commission Meeting

The motion carried by the following vote:

Aye: 3 - Mark Jones, Lee Whelpley, Ricky Jones

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

Mr. Michael Skates stated the Comprehensive Plan Meetings for the Steering Committee, as well as a Public Meeting on Thursday. He stated he hoped the Planning Commission would participate.

10. Adjournment

The meeting adjourned at approximately 5:46 p.m.

MOTION: A motion was made by Mark Jones, seconded by Lee Whelpley.

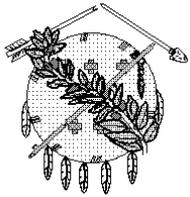
Move to adjourn

The motion carried by the following vote:

Aye: 3 - Mark Jones, Lee Whelpley, Ricky Jones

Mayor

City Clerk



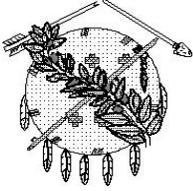
City of Broken Arrow

Request for Action

File #: 18-1257, Version: 1

**Broken Arrow Planning Commission
11-01-2018**

To: Chairman and Commission Members
From: Development Services Department
Title: Approval of Planning Commission meeting minutes of June 28, 2018
Background: Minutes recorded for the Broken Arrow Planning Commission meeting.
Attachments: Minutes of June 28, 2018
Recommendation: Approve minutes of Planning Commission meeting held June 28, 2018.
Reviewed By: Larry R. Curtis
Approved By: Michael W. Skates



City of Broken Arrow

Minutes Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

Chairperson Lee Whelpley
Vice Chairperson Ricky Jones
Commission Member Fred Dorrell
Commission Member Mark Jones
Commission Member Pablo Aguirre

Thursday, June 28, 2018

Time 5:00 p.m.

Council Chambers

1. Call to Order

Vice Chairperson Ricky Jones called the meeting to order at approximately 5:00 p.m.

2. Roll Call

Present: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones
Absent: 1 - Pablo Aguirre

3. Old Business

There was no Old Business.

Vice Chairperson Jones reported the City of Broken Arrow was the National First Place Winner at the U.S. Conference of Mayors 2018 for the City Livability Award. He congratulated Mayor Craig Thurmond and stated he felt this was quite an honor

4. Consideration of Consent Agenda

Staff Planner Amanda Yamaguchi presented the Consent Agenda.

A. 18-740 Approval of PT17-106, Conditional Final Plat, Timber Ridge Business Park, 72.02 acres, 9 Lots, A-1 to IL/PUD-259, one half mile west of Evans Road, south of Kenosha Street

Ms. Yamaguchi reported the applicant was present and in agreement with the Staff Report.

B. 18-743 Approval of PT16-108A, Preliminary Plat, North Rose Business Park, 13.20 acres, 13 lots, RM, R-2, CN, and CH to IL/PUD-253A, north of Kenosha Street, one quarter mile east of Elm Place

Ms. Yamaguchi reported the applicant was present and in agreement with the Staff Report.

Vice Chairperson Jones explained the Consent Agenda was approved in its entirety with a single motion and a single vote unless an item was to be removed for discussion. He asked if there were any Items to be removed. There were none.

MOTION: A motion was made by Mark Jones, seconded by Fred Dorrell.

Move to approve the Consent Agenda per Staff recommendations

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

Vice Chairperson Jones stated Item 4A would go before City Council on July 17th, 2018 at 6:30 p.m. He explained if any citizen desired to speak regarding Item 4A, said citizen was required to fill out a Request to Appear Before City Council form in advance.

5. Consideration of Items Removed from Consent Agenda

There were no items removed from the Consent Agenda. No action was required or taken.

6. Public Hearings

A. 18-695 Public hearing, consideration, and possible action regarding BAZ-2004, Martha A. Helm Trust, 7.50 acres, A-1 to RS-3, one half mile north of Houston Street, west of Evans Road

Senior Planner Brent Murphy reported the A-1 zoning on this property was assigned when the property was annexed in 1980. He reported there was an existing single family home on the northeast part of the property, and the west half of the property was presently undeveloped. He explained the applicant hoped to divide the property into two lots which would meet minimum lot size and frontage requirements if rezoned to RS-3. He stated the property was designated as Level 2 in the Comprehensive Plan, and RS-3 zoning was in conformance with the Comprehensive Plan in Level 2. He explained the zoning ordinance required any changes in zoning be approved subject to platting; however, staff recommended platting be waived, provided right of way was dedicated along Evans Road in accordance with subdivision regulations: 50 feet from the section line with a 17.5 foot utility easement

adjacent to the new right of way line. He stated Staff recommended BAZ-2004 be approved.

Ms. Deborah Helm Caskey stated her address was 7620 South 225 East Avenue. She stated she was one of the Trustees for the Martha A. Helm Trust. Vice Chairperson Jones asked if Ms. Caskey was in agreement with Staff recommendations and understood the right of way dedication and easement dedication requirements. Ms. Caskey responded in the affirmative.

Vice Chairperson Jones opened up the Public Hearing for Item 6A. He asked if any present wanted to speak regarding Item 6A. There were none who wished to speak. He closed the Public Hearing for Item 6A.

MOTION: A motion was made by Fred Dorrell, seconded by Lee Whelpley.

Move to approve Item 6A per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

Vice Chairperson Jones stated Item 6A would go before City Council on July 17th, 2018 at 6:30 p.m. He explained if any citizen desired to speak regarding Item 6A, said citizen was required to fill out a Request to Appear Before City Council form in advance.

B. 18-715 Public hearing, consideration, and possible action regarding BAZ-2003, Byrne Residence, 1.20 acres, R-1 to RS-1, one quarter mile west of 9th Street, one quarter mile north of Kenosha Street at 1111 N. 4th Street

Ms. Amanda Yamaguchi reported the applicant requested a change in zoning from R-1 to RS-1 to accommodate construction of a new home and accessory structure on the property. She stated the property was platted as lot 2, block 1, or Kenwood Acres. She reported the rear yard setback for the current R-1 zoning was 20% of the depth of the lot (approximately 60 feet from the rear property line). She explained the applicant intended to move the accessory structure closer to the rear of the property line and as such requested the zoning be changed to RS-1 which would allow a rear yard setback of 25 feet. She stated the property was designated Level 1 in the Comprehensive Plan and the RS-1 zoning requested with BAZ-2003 was considered in conformance with the Comprehensive Plan in Level 1. She stated Staff recommended BAZ-2003 be approved and platting be waived subject to a 4 foot sidewalk being constructed along the frontage of 4th Street, or funds being put into escrow, when the new structure was constructed.

Mr. Chris Burns stated his address was 4230 South 185th East Avenue, Tulsa. He stated he understood and approved Staff recommendations.

Vice Chairperson Jones opened up the Public Hearing for Item 6B. He asked if any present wanted to speak regarding Item 6B. There were none who wished to speak. He closed the Public Hearing for Item 6B.

MOTION: A motion was made by Lee Whelpley, seconded by Mark Jones.

Move to approve Item 6B per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

Vice Chairperson Jones stated Item 6B would go before City Council on July 17th, 2018 at 6:30 p.m. He explained if any citizen desired to speak regarding Item 6B, said citizen was required to fill out a Request to Appear Before City Council form in advance.

C. 18-742 Public hearing, consideration, and possible action regarding BACP-162, Pat's Express Car Wash BA, 1.01 acres, Level 4 to Level 6, north of Kenosha Street, west of Creek Turnpike

Jane Wyrick, Planner II, reported Item 6C, BACP-162, was a request to change the Comprehensive Plan designation from Level 4 to Level 6. She stated should the request be granted the applicant intended to amend the existing PUD 175 for Northeast Crossroads to rezone the project from CG to CH for a new car wash. She reported the O2 and C2 zoning districts, which were in effect when PUD 175 was approved, were not currently used and had been converted to CG (Commercial General). She stated the applicant wanted to construct the car wash on a site which required CH (Commercial Heavy) zoning. She reported CH was not consistent with Level 4 in the Comprehensive Plan, but was consistent with Level 6. She stated a car wash was considered an appropriate use given its location at the intersection of an arterial roadway, and the turnpike. She stated access to the site would be off of North 38th Street which existed within the commercial center, easements had been dedicated with the plat, and drainage was established for the plat. She stated the property was not located within the 100 year flood plain. She stated Staff recommended BACP-162 be approved subject to a Major Amendment to PUD 175 to include the rezoning request to Commercial Heavy.

Mr. Andrew Shank stated his address was 2727 East 21st Street, Suite 200. He stated he represented the applicant and the applicant agreed with the Staff Report.

Vice Chairperson Jones opened up the Public Hearing for Item 6C. He asked if any present wanted to speak regarding Item 6C. There were none who wished to speak. He closed the Public Hearing for Item 6C.

MOTION: A motion was made by Mark Jones, seconded by Fred Dorrell.

Move to approve Item 6C per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

Vice Chairperson Jones stated Item 6C would go before City Council on July 17th, 2018 at 6:30 p.m. He explained if any citizen desired to speak regarding Item 6C, said citizen was required to fill out a Request to Appear Before City Council form in advance.

7. Appeals

There were no Appeals.

8. General Commission Business

A. 18-601 Presentation of Training Material for Planning Commission

Vice Chairperson Jones stated Item 8A would be tabled until all Planning Commission Members were present.

MOTION: A motion was made by Fred Dorrell, seconded by Mark Jones.

Move to table Item 8A until the next Planning Commission Meeting

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

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

Vice Chairperson Jones reported he often had the opportunity to attend Planning Commission Meetings in other communities. He expressed his appreciation for the Broken Arrow Planning Commission and Staff. He stated he felt the Broken Arrow Planning Commission and Staff excelled in knowledge and efficiency.

10. Adjournment

The meeting adjourned at approximately 5:15 p.m.

MOTION: A motion was made by Lee Whelpley, seconded by Fred Dorrell.

Move to adjourn

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

Mayor

City Clerk