



**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*

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**Thursday, January 10, 2019**

**5:00 PM**

**Council Chambers**

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**1. Call To Order**

**2. Roll Call**

**3. Old Business**

**4. Consideration of Consent Agenda**

- A. [19-116](#) Approval of Planning Commission meeting minutes of December 6, 2018

**Attachments:** [12 06 2018 Planning Commission Minutes](#)

- B. [19-122](#) Approval of Planning Commission meeting minutes of December 20, 2018

**Attachments:** [12 20 2018 Planning Commission Minutes](#)

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

**6. Public Hearings**

- A. [19-115](#) Public hearing, consideration, and possible action regarding BAZ-2021, KB Rezoning, 5 acres, A-1 to RS-2, one-quarter mile south of Kenosha Street (71st Street), west of 51st Street (Evans Road)

**Attachments:** [2-CASE MAP](#)  
[3-Aerial](#)  
[4-Ordinance No. 833](#)

- B.**     [19-110](#)     Public hearing, consideration, and possible action regarding BAZ-2022, Snead - Allen rezoning, 64.27 acres, A-1 to R-2 and FD, one-eighth mile east of 23rd Street (County Line Road/193rd E. Avenue), one-half mile north of Florence Street (111th Street)
- Attachments:**   [2-CASE MAP.BAZ 2022](#)  
                          [3-AERIAL.BAZ-2022](#)  
                          [4-COMP PLAN.BAZ 2022](#)  
                          [5-MAY 14, 2015 LETTER FROM NEW HEART FELLOWSHIP CHURCH](#)  
                          [6-NOVEMBER 14, 2018 LETTER TO NEW HEART FELLOWSHIP CHURCH](#)  
                          [7-NEW HEART FELLOWSHIP CHURCH PLAT](#)  
                          [8-NEW HEART FELLOWSHIP CHURCH APPROVED SITE PLAN](#)  
                          [9-LOT SPLIT EXHIBIT AND LEGAL DESCRIPTION FOR BAL 1072 AND I](#)  
                          [10-CASE MAP FOR BAL-1072](#)  
                          [11-CASE MAP FOR BAL-1074](#)
- C.**     [19-118](#)     Public hearing, consideration, and possible action regarding Planned Unit Development (PUD) 285, Indian Springs Elementary School site, 10.66 acres, R-2 to ON, one-half mile south of Jasper Street (131st Street), one-quarter mile east of Aspen Avenue (145th E. Avenue)
- Attachments:**   [2-CASE MAP.PUD-285](#)  
                          [3-AERIAL](#)  
                          [4-PUD 285](#)  
                          [5-PUD 285 Exhibit A](#)  
                          [6-COMP PLAN.PUD-285](#)  
                          [7-BACP 155 LETTER OF APPROVAL](#)

**7. Appeals**

**8. General Commission Business**

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

**10. Adjournment**

**NOTICE:**

- 1. ALL MATTERS UNDER “CONSENT” ARE CONSIDERED BY THE PLANNING COMMISSION TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. HOWEVER, ANY CONSENT ITEM CAN BE REMOVED FOR DISCUSSION, UPON REQUEST.**
- 2. IF YOU HAVE A DISABILITY AND NEED ACCOMMODATION IN ORDER TO PARTICIPATE IN THE MEETING, PLEASE CONTACT THE DEVELOPMENT SERVICES DEPARTMENT AT 918-259-8412, TO MAKE ARRANGEMENTS.**
- 3. EXHIBITS, PETITIONS, PICTURES, ETC. PRESENTED TO THE PLANNING COMMISSION MAY BE RECEIVED AND DEPOSITED IN CASE FILES TO BE MAINTAINED AT BROKEN ARROW CITY HALL.**
- 4. RINGING/SOUND ON ALL CELL PHONES AND PAGERS MUST BE TURNED OFF DURING THE PLANNING COMMISSION MEETING.**

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

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**City Clerk**



# City of Broken Arrow

## Request for Action

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**File #: 19-116, Version: 1**

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### Broken Arrow Planning Commission

**01-10-2019**

**To:** Chairman and Commission Members

**From:** Development Services Department

**Title:**

**Approval of Planning Commission meeting minutes of December 6, 2018**

**Background:** Minutes recorded for the Broken Arrow Planning Commission meeting.

**Attachments:** Minutes of December 6, 2018

**Recommendation:** Approve minutes of Planning Commission meeting held December 6, 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 Ricky Jones*  
*Vice Chairperson Lee Whelpley*  
*Commission Member Fred Dorrell*  
*Commission Member Mark Jones*  
*Commission Member Pablo Aguirre*

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**Thursday, December 6, 2018**

**Time 5:00 p.m.**

**Council Chambers**

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### 1. Call to Order

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

### 2. Roll Call

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

### 3. Old Business

**A. 18-1307 Public hearing, consideration, and possible action regarding PUD-17B (Planned Unit Development Major Amendment), Vandever Acres Center, 5 acres, CG, located north and west of the northwest corner of Elm Place and New Orleans Street**

Planner II Jane Wyrick reported PUD was a Major Amendment request to include a place of assembly as a permitted use within the Vandever Acres Center PUD. She stated the request included allocating 12,500 sq. feet of the existing 50,000 sq. foot building for commercial use and construction of a 7,000 sq. foot commercial pad building along the New Orleans Street frontage of the site, as well as site improvements. She stated PUD-17B was heard at the October 25, 2018 Planning Commission Meeting where several individuals spoke in favor and in opposition to the request. She reported those in favor cited the difficulty in finding a suitable tenant for the space, the desire to have an entity in the building that was ready to use it, the ability of multiple uses coexisting to generate activity and draw traffic to the area, and the appealing façade rendering for the renovation. She stated those in opposition stated concerns regarding the appropriateness of the proposed use, the loss of sales tax revenue, a preference for retail and entertainment, the impact to property owners regarding new users who desired to locate within 300 feet of the proposed use and a desire to review the Revitalization Study for this commercial area before any decision was made. She explained the item was continued to allow the City's Consultant time to evaluate how this proposal corresponded to the Study. She stated the property owners within 300 feet of this site were re-notified of the hearing.

Ms. Wyrick reported the Draft Report of the Elm and New Orleans Revitalization Study showed that successful revitalization of this commercial area would be incremental and needed to focus on a shared vision providing a strategic framework for each phase of implementation. She stated the plan called for density, a mix of uses and clustering different uses; uses included place of assembly, retail, dining, entertainment, office, and high density residential on the outskirts. She stated the plan also included public gathering spaces, connectivity between uses, and accessible parking. She stated the mixed use would allow for shared parking which created additional opportunity for development sites. She stated the report indicated in the short term Broken Arrow should plan for Public Improvements, such as a Master Plan Streetscape, followed by redevelopment of existing commercial properties by the owners of each parcel. She stated in the long term, vacant land to the south and west of the area could be developed with a mix of residential and commercial uses interconnected with the area plan to provide an expanded customer base within walking distance.

Ms. Wyrick indicated the plan stated while the former Hobby Lobby site was a prime location for future retail, it also acknowledged with the shifting of retail formats over the past few years there were fewer expanding big box retailers making it difficult to find users for the large existing vacant space. She stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended PUD-17B be approved subject to the conditions of approval included with the report.

Commissioner Pablo Aguirre asked if the applicant was willing to bring the Vandever Acres Center up to code. Ms. Wyrick responded in the affirmative.

Director of Development Services Michael Skates stated when this intersection was developed in the 1970s it was developed as strip centers with large parking areas. He stated over the years this development plan had changed to utilize less parking and more green space with outdoor gathering areas. He stated this intersection covered approximately 168

acres; during the Public Meeting in May the public indicated it desired a higher quality district with improved uses, increased amenities and a greater sense of place. He stated the Consultant, along with Staff input, intended to lay out the project in four quadrants, focusing on the southwest quadrant to start. He explained the southwest quadrant had the most ability to promote viability with its 45 acres of undeveloped land which potentially could become upscale higher density residential town homes, mixed use, row housing, etc., with connectivity to the retail areas. He stated the Study identified continued improvements with green space, short term goals, mid term goals, long term goals, and several different possible projects. He stated the City, through the Bond projects, had approximately \$2.6 million dollars available to do improvements at this intersection. He stated the City was in contact with the power company regarding relocating the power lines and it was determined this would be a long term goal due to expense. He explained the City was attempting to partner with the landowners in an effort to make improvements, possibly changing parking lots to create green space areas and walkability. He stated the City was considering an overlay in the area. He stated the City was considering how to rethink the shopping centers in small pieces and how to move forward cooperatively with property owners and potential retail developers. He stated the Consultant provided a list of potential retailers which would bring opportunity to the area. He stated the Consultant had presented project ideas regarding out lots, open green space "pocket parks," connectivity, etc. He stated the opportunities were boundless, but it required a cooperative effort between the City, property owners and retail developers to ensure viability of this area. He stated beginning in January, City Staff would meet with property owners to discuss the Revitalization Study report.

Plan Development Manager Larry Curtis stated he understood citizens were wondering if the City could revitalize the Rose District, why not this area. He explained the Rose District consisted of four blocks while this area essentially could fit four Rose Districts. He stated he believed there was potential for an equally successful development in this location; however, more walkability was needed. Therefore, he stated, development of the southwest corner with high density residential and mixed use office space was the first step to successful revitalization. He stated, in addition, there was a lot of large open space left vacant by big box stores for which the Consultant proposed mixed use, including place of assembly. He stated he approved of PUD-17B for this reason.

Chairperson Jones asked when the Final Report would be available. Mr. Skates responded March or April 2019.

Vice Chairperson Whelpley indicated a TIF (Tax Increment Financing) was instrumental in revitalization of the Rose District. He asked if this was an eligible area for a TIF. Mr. Skates responded in the affirmative; he believed it was eligible, but he was unsure a TIF was the correct tool to use for improvement. He stated the City had money available for the area within the Bond Program. He stated the City needed to meet with the property owners to determine what types of investments the property owners were interested in prior to determining how to use the Bond Funds and what further tools might be necessary for revitalization. He stated the Engineering Department would provide proposals regarding possible streetscapes in the area within the next thirty days.

Commissioner Aguirre asked if he was correct in understanding the Consultant did not feel a church on the northwest side of the intersection would provide any detriment to development of the area. Mr. Skates responded in the affirmative; while it was not necessarily the best use for the area, the Consultant felt a church going in with retail and redevelopment of the property, bringing the property up to code with added green space and right of way, was a first step in revitalization of the area.

Chairperson Jones asked if the applicant, Mr. Mark Capron, had anything to add. Mr. Capron responded in the affirmative. Mr. Capron stated there were eleven recommendations set forth by Staff and he and his partners were in agreement with all recommendations. He discussed the changes in landscaping which would be made to bring everything up to code and the resultant beautification. He discussed removal of the existing unsightly signage. He stated he was in agreement Staff recommendations.

Chairperson Jones opened the Public Hearing for Item 3A. He asked if any present wished to speak regarding Item 3A.

Citizen Thomas Dawe stated his address was 1220 West Gary Street, Broken Arrow, OK 74012. He commended the Planning Commission for its efforts. He stated his family had lived in Broken Arrow for 19 years and was invested in the Community. He stated in Tulsa an indoor adventure park was being built in an empty large box store location and he felt something of this nature would be a better choice in this location. He stated he wanted to shop in Broken Arrow, but shopping on the north side of Broken Arrow was terrible. He stated it would be beneficial to have an entertainment/shopping district in this location and his neighbors agreed. He stated he was not opposed to Home Church, but did not feel this location was a good fit for a church as it would not draw foot traffic all week long. He stated

he felt a church would be a detriment to other business development in the area.

Chairperson Jones explained the Planning Commission was a recommending body only; it recommended a decision to the City Council which would finalize approval or denial. He explained Citizens had the right to speak before City Council regarding recommended items.

Mr. Ben Latham stated his address was 3114 East 81<sup>st</sup> Street, Tulsa, OK 74137. He stated he was President of GBR Properties and his company owned a majority of Vandever Acres. He stated at the last meeting it was decided the Consultant's Report was necessary to make an informed decision. He indicated he has not seen the Consultant Report yet and he understood it was only 80% complete. He stated he felt without a completed Report an educated decision could not be made regarding this intersection. He stated he felt this Item should be postponed until the Final Report was completed. He stated the Rose District did not happen overnight and he felt it was important not to rush any decisions. He indicated he wished to wait for the Report, review it, and then make an informed decision regarding what businesses should be developed in this area.

Chairperson Jones stated he wished to have the completed report, but did not feel it was fair to make the applicant wait until March for the report prior to making decisions. He asked if Staff was comfortable with the information available, if Staff believed the basis of its recommendation was supported by the Report. Mr. Skates responded in the affirmative. He stated he felt confident in this decision. He stated the Consultant Report was approximately 95% complete and the Consultant was confident in the Report as it stood. He stated he reviewed the report with the Consultant with much discussion. He explained he desired to vet the report internally prior to presentation to Planning Commission and ultimately to City Council and this would draw out the process even further. Commissioner Jones stated in October it was understood the Planning Commission would have a preliminary report only at this point with which to base decisions. Chairperson Jones indicated he asked Staff to ask the Consultant point blank "is this use appropriate" which Staff had done; therefore, he was comfortable with Staff's recommendation.

Citizen Dwayne Morgan stated his address was 19710 East 106<sup>th</sup> Street, Broken Arrow, OK 74014. He stated his family had lived in Broken Arrow for 25 years. He stated he was in favor of the church moving into this space. He explained there were no potential prospects for the area at this point. He stated he personally had contacted several retailers and fast food restaurants and there was no interest in this area. He stated he felt the church would be good stewards of the property. He stated church members would shop and eat after service which would bring business to the area. He stated the church would have other meetings and activities throughout the week which would also bring in traffic.

Mr. George O'Connor stated his address was 10125C South Sheridan Road, Tulsa. He stated he managed Broken Arrow Town Center which was located across the street from the proposed church location. He stated if the Planning Commission approved this PUD there would be a loss of 50,000 sq. feet of retail space which would be lost permanently. He stated the report (which he had not seen yet) recommended to staff that a place of assembly would be a good use; however, place of assembly did not necessarily mean church and he did not feel the Consultant was specifically recommending a church use. He stated he had nothing against churches, but once the 50,000 sq. feet were lost other retail businesses would be less inclined to develop in the area and he felt more mini-storages and other church-type uses would come in which would not promote revitalization. He stated he felt south Broken Arrow needed more shopping, retail and convenience and the church would not encourage this type of development.

Mr. Mike Joyce stated his address was 4105 South Rockford, Tulsa, OK 74105. He stated he was a real estate attorney, practicing for over 31 years. He stated he had many Broken Arrow clients and had facilitated land acquisition for the City of Broken Arrow. He stated he was also a real estate broker with McGraw Realtors and represented the owner of the property involved in PUD-17B. He stated while consultant reports were useful, common sense was essential; common sense regarding economics and the economic reality was big box business, retail in general, was changing; retail did not support large shopping centers any longer, especially in Broken Arrow, Oklahoma. He stated he had marketed this property all over the country to his national, regional, and local clients and there was no interest, with the exception of the church. He stated church users were excellent users. He stated even in the successful Rose District the biggest land owner was First United Methodist Church. He stated he felt the First United Methodist Church was an integral part of the Downtown and contributed to the success of the area. He stated he believed Staff had done an excellent job in recognizing this would be a good use. He stated he felt this was the best first step and he felt the Planning Commission should recommend approval.

Chairperson Jones asked if any other present wished to speak regarding Item 3A. Seeing none, he closed the Public Hearing for Item 3A.

Commissioner Aguirre indicated at the previous Planning Commission Meeting it was determined that the Planning Commission would consider recommending approval if the applicant agreed to the Staff Recommendations and if the Consultant’s Report indicated a church in this location would not detract from future development. He stated he felt both of these conditions had been met.

Vice Chairperson Whelpley stated there was a liquor store within 300 feet of the proposed church location. He indicated while the current liquor store owner would be grandfathered in, the next store owner would be prohibited from selling alcohol which would make the sale of the business more difficult. He stated if a restaurant wanted to develop within 300 feet of the proposed church location, it would be prohibited from serving alcohol. He explained he was mentioning this to make certain others were aware. He stated he did not see the current liquor store owner in attendance to comment.

Chairperson Jones asked if he was correct in understanding if a restaurant wanted to develop a location within 300 feet of the church the restaurant would not be allowed to serve alcohol. Assistant City Attorney Lesli Meyers responded in the affirmative. Discussion ensued regarding a restaurant being allowed to serve alcohol if the alcohol generated less than 50% of the restaurant’s revenue, the law being written as within 300 feet of the church entrance, where the liquor store was located exactly, and “grandfather” laws.

MOTION: A motion was made by Pablo Aguirre, seconded by Lee Whelpley.

**Move to approve Item 3A, 18-307, PUD-17B per Staff recommendation**

The motion carried by the following vote:

**Aye: 3 -** Pablo Aguirre, Lee Whelpley, Ricky Jones  
**Nay: 1 -** Fred Dorrell

Chairperson Jones stated Item 3A would go before City Council on January 2, 2019 at 6:30 p.m. He explained if any individual desired to speak regarding Item 3A, said individual was required to fill out a Request to Appear before City Council form in advance.

**4. Consideration of Consent Agenda**

Plan Development Manager Larry Curtis presented the Consent Agenda.

- A. 18-1351 Approval of Planning Commission meeting minutes of October 25, 2018**
- B. 18-1352 Approval of Planning Commission meeting minutes of November 1, 2018**
- C. 18-1397 Approval of Planning Commission meeting minutes of November 15, 2018**
- D. 18-1348 Approval of BAL-2039, 1101 North Aspen Lot Split, 2.11 acres, Lot 2, Block 1, Dental Depot, CN/PUD-223, north of the northeast corner of Kenosha Street and Aspen Avenue**

Mr. Curtis stated the applicant was present and in agreement with the Staff Report.

- E. 18-1360 Approval of BAL-2044, Wall/Toomey Lot Split, 2 Lots, 6.23 acres, north of Albany Street, east of Evans Road**

Mr. Curtis stated the applicant was present and in agreement with the Staff Report.

- F. 18-1374 Approval of BAL-2045CB, Wall/Toomey Lot Combination, 5 Lots, 11.43 acres, north of Albany Street, east of Evans Road**

Mr. Curtis stated the applicant was present and in agreement with the Staff Report.

- G. 18-1388 Approval of PT18-111, Preliminary Plat, Dollar General Broken Arrow #20251, 1.88 acres, 1 Lot, A-CH to CG/PUD-283 via BAZ-2015, located west of the southwest corner of Aspen Avenue and Omaha Street**

Mr. Curtis stated the applicant was present and in agreement with the Staff Report.

- H. 18-1389 Approval of PT17-105, Conditional Final Plat, Aspen Crossing Patio Homes, 82 lots, 15.29 acres, A-1, R-2 and A-R-2 to RS-3, RD, and PUD-260, north and east of the northeast corner of Jasper Street and Aspen Avenue**

Mr. Curtis stated the applicant was present and in agreement with the Staff Report.

- I. 18-1392 Approval of PT17-105A, Conditional Final Plat, Aspen Crossing 1, 49 lots, 12.63 acres, A-1 to RS-3/PUD-260, north of the northeast corner of Jasper Street and Aspen Avenue corner of New Orleans Street and Elm Place**

Mr. Curtis stated the applicant was present and in agreement with the Staff Report.

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 from the Consent Agenda. There were none.

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

**Move to approve the Consent Agenda per Staff recommendations**

The motion carried by the following vote:

**Aye: 4 -** Pablo Aguirre, Fred Dorrell, Lee Whelpley, Ricky Jones

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

No Items were removed from the Consent Agenda. No action was needed or taken.

**6. Public Hearings**

**A. 18-1349 Consideration, discussion and possible approval of PUD-223A, Dental Depot Amendment, 2.11 acres, Lot 2, Block 1, Dental Depot, CN/PUD-223, north of the northeast corner of Kenosha Street and Aspen Avenue**

Plan Development Manager Larry Curtis reported Item 6A, 18-1349, PUD-223A, was a Minor Amendment request. He stated the applicant proposed to modify development area B to reduce the minimum lot size of 40,000 sq. feet to 35,000 sq. feet and reduce the lot width from 150 feet to 100 feet. He explained this was being requested in order to enable a split of the property into two parcels. He stated a lot split application was submitted in conjunction with the request for the Minor Amendment. He stated approval of the lot split was contingent upon approval of the Minor Amendment and PUD-223 stated development area B may be subdivided by lot split in a Minor Amendment to the PUD. He stated with reduction to lot size and lot width PUD-223A still met the minimum lot size and frontage requirements of the CN underlying zoning district. He stated none of the property was located within a 100-year flood plain and since the property was already platted, Staff recommended platting be waived. He stated Staff recommended the Planning Commission approve PUD-223A as presented by Staff.

The applicant, Mr. John Droz, stated his address was 810 South Cincinnati, Tulsa, OK 74119. He stated he agreed with Staff recommendations.

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

MOTION: A motion was made by Pablo Aguirre, seconded by Fred Dorrell.

**Move to approve Item 6A per Staff Recommendations**

The motion carried by the following vote:

**Aye: 4 -** Pablo Aguirre, Fred Dorrell, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 6A was a Minor Amendment and as such would not go before City Council for approval.

**B. 18-1308 Public hearing, consideration, and possible action regarding BAZ-2016, Builder's Unlimited, Inc., 2.98 acres, IL and A-IL to IL, one quarter mile north of New Orleans Street, one quarter mile west of Evans Road**

Senior Planner Brent Murphy reported the applicant requested the zoning on the property be changed from IL (Industrial Light) and A-IL (Annexed-Industrial Light) to IL. He stated this property was unplatted and vacant. He stated Builders Unlimited, a general contracting firm, planned to build a new facility on the property, and was required to bring the zoning into compliance before beginning construction (A-IL was not in compliance with current code). He explained the A-IL zoning was assigned to the property in 1992 when the property was annexed into Broken Arrow. He stated this property was located in Arrow East Industrial Park and in 2000 the City extended sanitary sewer service to the property through an assessment district. He stated there had been six other zoning requests from A-IL to IL in this area, all of which had been approved, and the platting had been waived in the past; however, there was a requirement that the adequacy of water supply for fire protection be verified by the Fire Marshall and Development Services Department. He stated water to the Park was supplied by Rural Water District #4 and a fire hydrant had been added to the south end of the Industrial Park. He stated the Comprehensive Plan showed this area as Level 6 and the IL zoning was in conformance with the Comprehensive Plan in Level 6. Therefore, based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended BAZ-2016 be approved subject to water adequacy verification, and platting be waived.

The applicant, Steve Wright, stated his business address was 4617 South 83<sup>rd</sup> East Avenue, Tulsa, OK 74145. He stated he lived in Coweta and looked forward to building his business closer to home. He stated he agreed with Staff recommendations.

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

MOTION: A motion was made by Pablo Aguirre, seconded by Fred Dorrell.

**Move to approve Item 6B per Staff Recommendations**

The motion carried by the following vote:

**Aye: 4 -** Pablo Aguirre, Fred Dorrell, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 6B would go before City Council on January 2, 2018 at 6:30 p.m. He explained if any individual desired to speak regarding Item 6B, said individual 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**

There was no General Commission Business.

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

Mr. Larry Curtis stated Mr. John McElhaney would be joining the Engineering and Construction Department Monday, December 10, 2018. Chairperson Jones congratulated Mr. McElhaney on his new position.

**10. Adjournment**

The meeting adjourned at approximately 6:06 p.m.

MOTION: A motion was made by Lee Whelpley, seconded by Pablo Aguirre.

**Move to adjourn**

The motion carried by the following vote:

**Aye: 4 -** Pablo Aguirre, Fred Dorrell, Lee Whelpley, Ricky Jones

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



# City of Broken Arrow

## Request for Action

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**File #: 19-122, Version: 1**

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### Broken Arrow Planning Commission

**01-10-2019**

**To:** Chairman and Commission Members

**From:** Development Services Department

**Title:**

**Approval of Planning Commission meeting minutes of December 20, 2018**

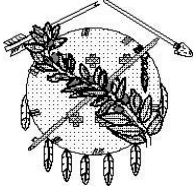
**Background:** Minutes recorded for the Broken Arrow Planning Commission meeting.

**Attachments:** Minutes of December 20, 2018

**Recommendation:** Approve minutes of Planning Commission meeting held December 20, 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 Ricky Jones*  
*Vice Chairperson Lee Whelpley*  
*Commission Member Fred Dorrell*  
*Commission Member Mark Jones*  
*Commission Member Pablo Aguirre*

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**Thursday, December 20, 2018**

**Time 5:00 p.m.**

**Council Chambers**

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#### **1. Call to Order**

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.

#### **4. Consideration of Consent Agenda**

Staff Planner Amanda Yamaguchi presented the Consent Agenda.

##### **A. 18-1506 Approval of PT18-110, Conditional Final Plat, Casey's General Store 2, Lot 1, Block 1, 1.31 acres, 1 Lot, CG, northeast corner of Aspen Avenue (145th East Avenue) and Florence Street (111th Street)**

Ms. Yamaguchi stated the applicant was in agreement with the Staff Report, but unable to attend the Planning Commission Meeting.

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 Item 4A was to be removed from the Consent Agenda; it was not.

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

**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

Chairperson Jones stated Item 4A would go before City Council on January 15, 2019 at 6:30 p.m. He explained if any individual desired to speak regarding Item 4A, said individual was required to fill out a Request to Appear before City Council form in advance.

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

No Items were removed from the Consent Agenda. No action was needed or taken.

#### **6. Public Hearings**

##### **A. 18-1400 Public hearing, consideration, and possible action regarding BAZ-2017, International Christian Assembly of Tulsa, 5.12 acres, R-1 to ON and the abrogation of a portion of SP-74 and SP-74A, north of Houston Street (81st Street), one half mile east of Garnett Road (113th East Avenue)**

Senior Planner Brent Murphy reported BAZ-2017 was a request to change the zoning from R-1 (single family residential) with SP-74 and SP-74A, to ON (office neighborhood). He stated this property was platted as part of Lot 1, Block 1, of the Forest Hills Health Care Center and the International Christian Assembly of Tulsa proposed to build a new church on the property. He explained churches were classified as places of assembly which was a permitted use in the ON district. He stated according to FEMA this property was not located within the 100-year flood plain. He reported the Comprehensive Plan showed this site to be designated Level 3 and ON zoning was considered to be in accordance with the Comprehensive Plan in Level 3. He stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended BAZ-2017 be approved, platting be waived, and SP-74 and SP-74A be abrogated.

The applicant, Dr. Zack Varughese, stated his address was 216 N. Luther Drive, Broken Arrow, OK 74012. He stated he was in agreement with Staff recommendations.

Chairperson Jones opened the Public Hearing for Item 6A. He asked if any present wished to



speaking regarding Item 6A.

Mr. Shelby Scott stated his address was 4250 W. Houston, Broken Arrow, OK 74012. He reported he was the CEO of the property contiguous to the parcel for which the zoning adjustment was requested. He stated while he welcomed a church to the property he was concerned about access and inadequate infrastructure. He explained access to the church would be through the fenced entrance gate of the nursing home which was confusing; most would attempt to gain access to the church property through his property which would be problematic and burdensome. He stated he was worried about fire hydrant access, the City not having appropriate easement access, and possible sewer flooding. He reported his property had been flooded several times by the sewer system causing several hundred thousand dollars in damage. He stated the Sewer Department indicated the flooding was caused by the grease and adult diapers disposed of by the adjacent property. He stated he worried the church would also be prone to flooding. He stated the sewage flowed out of the clean-outs located on the prospective church property, over the ground and onto his property into the yard and playground. He stated it often flowed out of the manhole cover onto the street and sidewalk. He stated the City indicated it was powerless to do anything to prevent the flooding if the nursing home did not change its ways. He was concerned this would worsen if a church was built next door. He stated he was also concerned about flooding from the creek; increased hard surface area would increase the frequency of 81<sup>st</sup> Street flooding.

Chairperson Jones stated while he understood Mr. Scott's concern, the Planning Commission was reviewing appropriateness of land use, not sewer capacity or flooding. He asked if any other present wished to speak regarding Item 6A. Seeing none, he closed the Public Hearing.

Dr. Varughese stated the entrance of the property had 200 feet on Houston Street and the access was 80 feet wide which allowed plenty of space for ingress and egress to the parking lot; therefore, he did not feel there would be confusion regarding entry onto the church property. He stated his property would be connected to a separate sewage line, which would be connected to the main sewage line on Houston Street, which he felt would prevent the church from contributing to further flooding.

Chairperson Jones asked if the City had reviewed and approved the ingress/egress for this property. Plan Development Manager Larry Curtis responded this would be reviewed during the site plan process which would include engineering reviews to ensure proper development of the site including perviousness, on-site detention, ingress/egress, etc. He stated he would ensure sewer and water was also addressed at the same time. Chairperson Jones asked if Mr. Scott would be able to review the site plan and ask questions. Mr. Curtis responded in the affirmative. Chairperson Jones encouraged Mr. Scott to stay in touch with Staff and review the site plan to allay his concerns.

Development Services Director Michael Skates stated Mr. Scott's comments would be taken under advisement and Staff would visit with the various appropriate departments to address Mr. Scott's concerns.

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

**Move to approve Item 6A per Staff Recommendations**

The motion carried by the following vote:

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

Chairperson Jones stated Item 6A would go before City Council on January 15, 2019 at 6:30 p.m. He explained if any individual desired to speak regarding Item 6A, said individual was required to fill out a Request to Appear before City Council form in advance.

- B.    18-1402    Public hearing, consideration, and possible action regarding BAZ-2018, Indian Springs Elementary School site, 10.66 acres, R-2 to ON, one-half mile south of Jasper Street (131st Street), one-quarter mile east of Aspen Avenue (145th East Avenue)** Mr. Brent Murphy reported BAZ-2018 was a zoning change request from R-2 (single family residential) to ON (office neighborhood). He reported in 1972 Indian Springs Elementary School was constructed on the property; in 2013 the school was vacated and was no longer used by the school district. He stated none of the property was platted and Staff did not know what the future proposed use would be for this property; however, ON district was strictly limited, only permitting office and financial type use. He stated in October 2016 City Council approved BACP-155 which was a request to change the Comprehensive Plan designation on this property from Public/Semi-Public to Level 3. He explained BACP-155 was approved subject to the property being platted and all future rezoning applications were limited to office-type use through the PUD process. He stated while a PUD was not submitted with the rezoning application, a PUD had since been submitted and the PUD would be heard by the Planning Commission on 01/10/2019. He stated with approval of BACP-155 this property was designated as Level 3 in the Comprehensive Plan and ON was considered in accordance with the Comprehensive Plan in Level 3. He stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended BAZ-2018 be

approved subject to the same conditions associated with BACP-155 and as per BACP-155 a PUD limiting the use of the property to office use only would be submitted to City Council; in addition, as part of BACP-155 the property would be platted.

The applicant, Michelle Bergwall, COO for BA Schools, stated her address was 701 S. Main Street, Broken Arrow. She stated the school was vacated in 2013 and the School Board wished to sell the property. She stated rezoning to Office Neighborhood would enable the sale of the property.

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

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

**Move to approve Item 6B per Staff Recommendations**

The motion carried by the following vote:

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

Chairperson Jones stated Item 6B would go before City Council on January 15, 2019 at 6:30 p.m. He explained if any individual desired to speak regarding Item 6B, said individual was required to fill out a Request to Appear before City Council form in advance.

**C. 18-1398 Public hearing, consideration, and possible action regarding BAZ-2019, McGraw Expansion, 0.45 acres, R-3/DROD (Downtown Residential Overlay District) Area 1 to DM/DROD Area 6, one-eighth mile north of Houston Street (81st Street), one-half mile east of Elm Place (161st East Avenue) on the northeast corner of Ash Avenue and Galveston Street**

Mr. Brent Murphy stated BAZ-2019 was a request to change the zoning designation from R-3/DROD (single family residential/Downtown Residential Overlay District) Area 1 to DM/DROD (downtown mixed use/Downtown Residential Overlay District) Area 6. He stated presently there was a single family residential structure on the property along with accessory buildings. He stated the applicant was interested in purchasing the property and removing the existing structures to construct a parking lot for a new building construction in the parking lot which existed next door along Main Street. He indicated a parking analysis was included in the Planning Commission Report. He reported the Comprehensive Plan showed the site as Level 5, and DM zoning in conjunction with an Area 6 designation was in accordance with the Comprehensive Plan in Level 5. He stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended BAZ-2019 be approved, and as the property was already platted, Staff recommended platting be waived.

The applicant, Jim Roberts stated his address was 4105 S. Rockford Avenue, Tulsa, OK 74105. He stated he agreed with Staff recommendations.

Chairperson Jones opened the Public Hearing for Item 6C. He asked if any present wished to speak regarding Item 6C.

Mr. James Fenton stated his address was 523 ½ S. Ash Avenue, Broken Arrow, OK 74012. He stated he wondered how the rezoning would affect him. He stated he felt he did not receive sufficient notice of the potential change.

Chairperson Jones stated property owners within a 300 foot radius of the external boundary of the property in question were sent a letter of notification. He asked Mr. Fenton if he owned a property within 300 feet of the property in question. Mr. Fenton responded in the negative; he rented his property. Chairperson Jones stated notice was also posted on the property via a yellow sign 20 days prior to the Planning Commission Meeting and published in the newspaper.

Mr. Fenton stated the owner of the property had indicated he could rent the property for 2 to 5 years and he asked how the rezoning would affect his renting of the property. Chairperson Jones asked if he lived in the home on the property which was being rezoned. Mr. Fenton responded in the affirmative. Chairperson Jones stated he was unable to answer Mr. Fenton's question, Mr. Fenton needed to contact the property owner. He explained the Planning Commission only evaluated whether it was appropriate to rezone the property to DM. He stated he wished he could help Mr. Fenton further; however, this was a private matter between Mr. Fenton and the property owner.

Ms. Beth Millikan stated her address was 524 S. Ash Avenue, Broken Arrow, OK 74012. She stated she lived across the street from this property. She stated the current parking lot was empty 90% of the time and there were teenagers and other hooligans who hung out in this parking lot and were extremely disruptive during the evening hours. She stated building another parking lot across the street would only worsen this situation. She stated she called the police and while BAPD was an excellent police department, putting more traffic on the street, with another empty parking lot at night, would put more stress on the neighborhood,

especially for her as it would be located directly across the street from her home.

Chairperson Jones stated he understood the applicant desired to build private parking for a private facility. Ms. Millikan stated this would still result in an empty parking lot at night which enabled, even encouraged loitering and other criminal behavior.

Chairperson Jones stated, knowing this, Staff would ask the Police Department to be more proactive in her area. He explained it was his responsibility to determine if DM was an appropriate use for this property.

Chairperson Jones asked if any others wished to speak regarding Item 6C. Seeing none, he closed the Public Hearing for Item 6C. He asked Mr. Roberts if the proposed parking lot was intended for private use. Mr. Roberts responded in the affirmative; it would be for the McGraw offices.

Ms. Bobby Haddock stated she had a question. Chairperson Jones stated the Public Hearing was closed, but he would allow her to speak. Ms. Haddock stated her address was 513 S. Ash Avenue, Broken Arrow, OK 74012. She stated she owned May Brigade which was located next to the property. She stated she was not opposed to the proposed parking lot. She asked if the existing easement and alleyway between McGraw and her buildings would remain. Mr. Curtis responded this was not being decided today; however, there was no request to close the alleyway, and if there were a request to close the alleyway the request would go before City Council, and Ms. Haddock would be notified in advance.

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

**Move to approve Item 6C per Staff Recommendations**

The motion carried by the following vote:

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

Chairperson Jones stated Item 6C would go before City Council on January 15, 2019 at 6:30 p.m. He explained if any individual desired to speak regarding Item 6C, said individual was required to fill out a Request to Appear before City Council form in advance.

**D. 18-1410 Public hearing, consideration, and possible action regarding PUD-284 (Planned Unit Development) and BAZ-2020 (Rezoning), Attic Storage, B.A., 10.15 acres, R-2/CH to PUD-284/CH and IL, located one-quarter mile east of Aspen Avenue (145th East Avenue), north of Tucson Street (121st Street)**

Planner II Jane Wyrick reported with PUD-284 and BAZ-2020 the applicant proposed to develop the property with commercial and mini-storage uses. She stated the project site was rezoned to CH (commercial heavy) in 2017 as part of a larger 40 acre site and the approval was subject to platting. She stated the property had not yet been platted. She stated the project site consisted of two development areas, Area A and Area B. She indicated Area A at the south end of the site consisted of 2.98 acres and was planned for approximately 8500 sq. foot commercial use; Area A would be developed by others in the future and it was anticipated to be used for retail and/or restaurant. She stated development Area B consisted of 7.18 acres and was planned for light industrial use; two buildings were proposed including a 112,700 sq. foot two story mini storage building to the north, and a 36,000 sq. foot two story office warehouse building to the south which would be developed later by others, as well as site improvements associated with this development. She stated an industrial minor street was proposed to access the site from West Tucson Street, a primary arterial; right of way was required to be 60 feet and currently 50 feet of right of way was dedicated; therefore, additional right of way and a utility easement would be required when the site was platted. She explained the Engineering Design Criteria Manual stated streets that intersected with arterial streets would match the location of existing or proposed streets of adjoining subdivisions and as such the street for Attic Storage would align opposite South Sycamore Avenue. She stated the deviations requested through the PUD included a mini storage parking requirement reduction of 25%, and allowance of a 30 foot east side setback in Area A which was adjacent to A-1 zoning. She explained typically set back was required to be 50 feet when adjacent to A-1; however, it was anticipated the adjacent A-1 property would be rezoned to industrial or commercial use. She reported the site sloped to the west where there was a blue line stream and the property owner was required to establish a City of Broken Arrow regulatory flood plain as development progressed. She stated in commercial heavy districts mini storage use required a Specific Use Permit and was limited to just 20% of the lot area, whereas mini storage was a permitted use in the IL district. She stated the property associated with PUD-284 was designated as Level 6 in the Comprehensive Plan, the development proposed was considered in compliance with the Comprehensive Plan in Level 6, and IL was considered in accordance with the Comprehensive Plan in Level 6 with approval of a PUD. She stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended approval of PUD-284 and BAZ-2020 subject to the conditions of approval included with the Report: platting within one year of approval and dedication of additional right of way and utility easement.

Chairperson Jones stated his firm had done previous work associated with this development and he felt it would be best if he recused. Chairperson Jones left the room and returned following the discussion and vote for Item 6D.

The applicant, Malek Elkhoury, stated his address was 1435 E. 41<sup>st</sup> Street, Tulsa, OK 74105. He stated he was in agreement with Staff recommendations. He asked for Planning Commission approval.

Vice Chairperson Whelpley opened the Public Hearing for Item 6D. He asked if any present wished to speak regarding Item 6D. Seeing none, he closed the Public Hearing for Item 6D.

Vice Chairperson Whelpley asked if a frontage road was intended alongside the creek on the north end of the property. Mr. Michael Skates stated a frontage road would come off Aspen, head into the area where BAZ-2020 was located, and circulate back around down to Tucson, but it would not go through this proposed development area and/or onto the shops at Aspen Creek. Discussion ensued regarding connection points, street stubs, substreet locations, a possible future street system to serve the remainder of the property, and Fire Department access.

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

**Move to approve Item 6D per Staff Recommendations**

The motion carried by the following vote:

**Aye: 3 -** Mark Jones, Fred Dorrell, Lee Whelpley  
**Recused: 1 -** Ricky Jones

Vice Chair Whelpley stated Item 6D would go before City Council on January 15, 2019 at 6:30 p.m.

**E. 18-1529 Public hearing, consideration, and possible action regarding the proposed modifications to Sections 5.8.D (Downtown Residential Overlay District) of the Broken Arrow Zoning Ordinance**

Ms. Amanda Yamaguchi reported Item 6E was for the proposed modification to section 5.8.D of the Zoning Ordinance, a proposed update to the Downtown Residential Overlay District requirements. She reported the DROD was approved by City Council in December 2017 and had been in effect since January 2, 2018. She indicated since that time approximately seven houses had been constructed in the Downtown area using the DROD requirements. She explained the items proposed to be updated included removal of transitional setbacks, along with further definition of finished floor heights and maximum wall widths in the single family residential section of the DROD.

Mr. Curtis added this document had been active for a year now and as with any newly enacted Ordinance modifications needed to be made. He commented it was a tribute to Staff's efforts in attempting to provide the best document possible that only these minor modifications were required.

Chairperson Jones opened the Public Hearing for Item 6E. He asked if any present wished to speak regarding Item 6E. Seeing none, he closed the Public Hearing for Item 6E.

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

**Move to approve Item 6E per Staff Recommendations**

The motion carried by the following vote:

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

**7. Appeals**

There were no Appeals.

**8. General Commission Business**

There was no General Commission Business.

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

Chairperson Jones introduced the new Assistant City Attorney Danny Littlefield. He stated Ms. Lesli Meyers transferred to the City of Tulsa. Mr. Curtis stated Mr. Littlefield was only filling in temporarily. Mr. Littlefield stated he was the City Prosecutor and he believed Ms. Tammy Ewing would be attached to the Planning Commission.

Vice Chairperson Whelpley and Mr. Larry Curtis wished the Planning Commission, Staff and all present a Merry Christmas and a Happy New Year.

**10. Adjournment**

The meeting adjourned at approximately 5:44 p.m.

MOTION: A motion was made by Mark Jones, 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



# City of Broken Arrow

## Request for Action

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**File #: 19-115, Version: 1**

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**Broken Arrow Planning Commission  
01-10-2019**

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

**Title:** Public hearing, consideration, and possible action regarding BAZ-2021, KB Rezoning, 5 acres, A-1 to RS-2, one-quarter mile south of Kenosha Street (71<sup>st</sup> Street), west of 51<sup>st</sup> Street (Evans Road)

**Background:**

**Applicant:** Kenneth Barbee  
**Owner:** Kenneth Barbee  
**Developer:** Kenneth Barbee  
**Engineer:** NA  
**Location:** One-quarter mile south of Kenosha Street (71st Street), west of 51st Street (Evans Road)  
**Size of Tract** 5 acres  
**Number of Lots:** 1  
**Present Zoning:** A-1 (Agricultural)  
**Proposed Zoning:** RS-2 (Single-Family Residential)  
**Comp Plan:** Level 2 (Urban Residential)

BAZ-2021 is a request to change the zoning designation on a 5-acre parcel from A-1 (Agricultural) to RS-2 (Single-Family Residential). The property is located one-quarter mile south of Kenosha Street (71<sup>st</sup> Street), west of 51<sup>st</sup> Street (Evans Road). This property was annexed into the city limits of Broken Arrow from Wagoner County on June 2, 1980 by Ordinance No. 833.

A single-family residential structure along with accessory buildings are presently located on the property. It is applicant's desire to rezone the property in order to have the ability to split the property in the future.

According to FEMA maps, no part of the property is located within a 100-year floodplain.

Surrounding land uses and zoning classifications include the following:

North:	A-1	Undeveloped
East:	A-1	Single family home
South:	A-1	Single family home
West:	A-1	Undeveloped

The Future Development Guide of the Comprehensive Plan shows the site to be designated as a Level 2. The RS-2 zoning being requested is considered to be in accordance with the Comprehensive Plan.

**Attachments:** Case map  
Aerial photo  
Ordinance No. 833

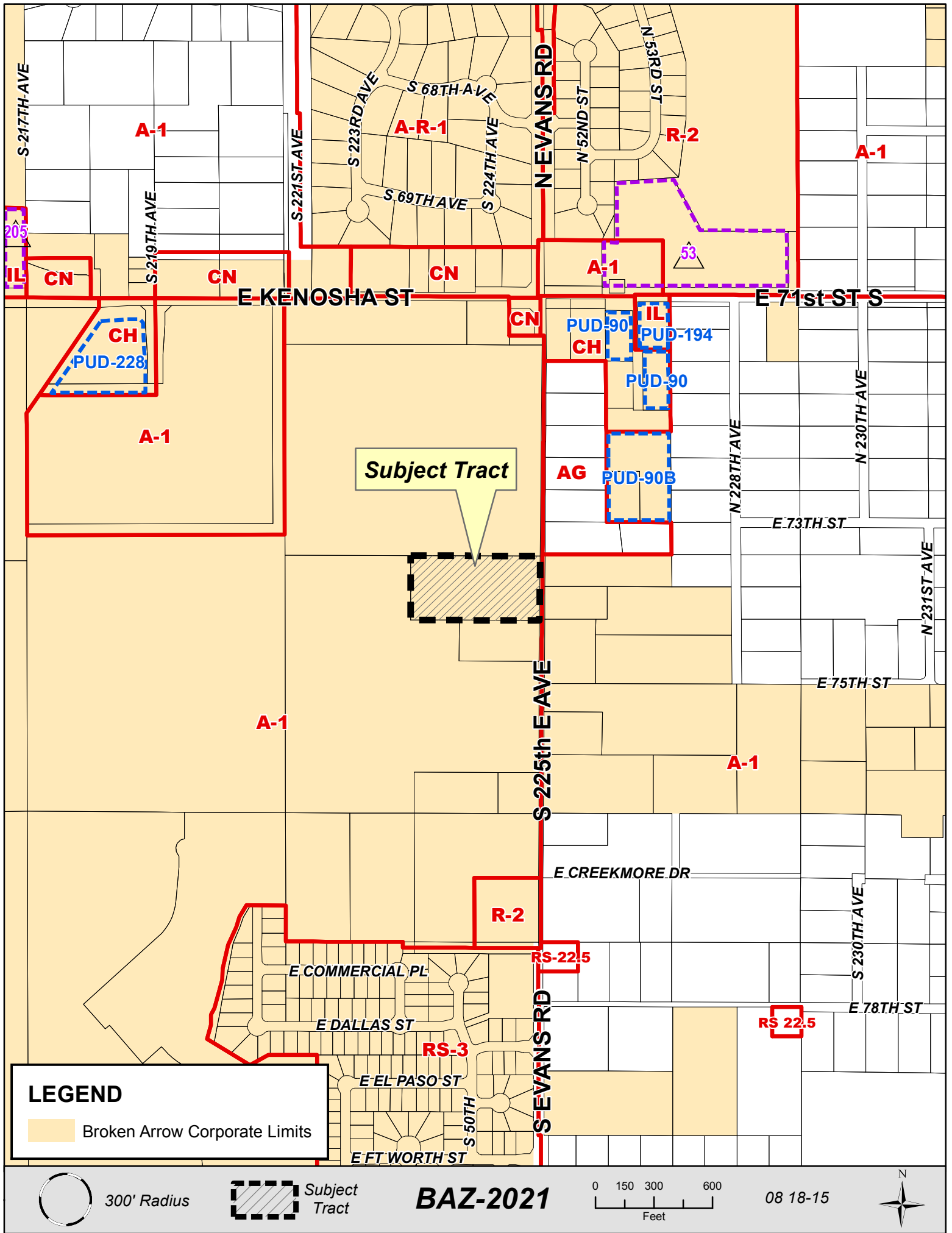
**Recommendation:**

Based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that BAZ-2021 be approved and that platting be waived subject to right-of-way and utility easements being provided along 51<sup>st</sup> Street (Evans Road) in accordance with the City of Broken Arrow subdivision regulations.

**Reviewed by: Larry Curtis**

**Approved by: Michael Skates**

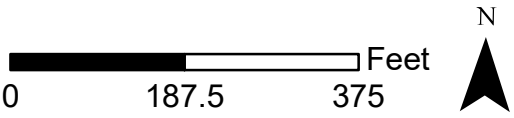
ALY







BAZ-2021  
KB Rezoning



City of Broken Arrow

In <sup>red</sup>

BOOK 555 PAGE 153

Pl. Box 610

Broken Arrow, Ok. 74012

ORDINANCE NO. 833

AN ORDINANCE INCORPORATING WITHIN THE CITY LIMITS OF THE CITY OF  
BROKEN ARROW, OKLAHOMA CERTAIN TRACTS OF LAND LYING CONTIGUOUS AND  
ADJACENT THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Broken Arrow, Oklahoma, a municipal cor-  
poration organized and existing under the laws of the State of  
Oklahoma, is desirous of annexing and incorporating within the City  
Limits of such municipality certain tracts of land lying contiguous  
and adjacent thereto which are more fully described as hereinafter  
set forth;

AND WHEREAS, not less than three sides of the property and terri-  
tory more fully described as hereinafter set forth are adjacent or  
contiguous to the property already within the municipal limits of the  
City of Broken Arrow;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
BROKEN ARROW, OKLAHOMA:

SECTION 1: That the following described tracts of land lying  
adjacent or contiguous to the present corporate limits of the City of  
Broken Arrow, Oklahoma be and the same are hereby annexed to the City  
of Broken Arrow, Oklahoma and the corporate limits of said City be  
and the same are hereby extended to include the following tracts of  
land situated in Wagoner County, Oklahoma:

The N/2 of the SW/4 of Section 2, Township 18 North, Range 15  
East, LESS AND EXCEPT the West 24.75 feet thereof; 79.25 A  
The S/2 of the N/2 of Section 2, Township 18 North, Range 15  
East, LESS AND EXCEPT the East 24.75 feet and the West 24.75 feet  
thereof; 158.5 A  
The W/2 of the SE/4 of Section 2, Township 18 North, Range 15  
East, LESS AND EXCEPT the South 24.75 feet thereof; 79.25 A

AND

The SW/4 of Section 3, Township 18 North, Range 15 East, LESS AND  
EXCEPT the West 24.75 feet and the South 24.75 feet thereof; 157. A  
The S/2 of the NW/4 of Section 3, Township 18 North, Range 15  
East, LESS AND EXCEPT the West 24.75 feet thereof; 79.25 A  
The SE/4 of Section 3, Township 18 North, Range 15 East, LESS AND  
EXCEPT the East 24.75 feet thereof and LESS AND EXCEPT the lands  
situated within the platted subdivisions known as "ADAMS CREEK  
ESTATES", "ADAMS CREEK ESTATES 2ND", "ADAMS CREEK ESTATES 3RD",  
"ADAMS CREEK ESTATES 4TH", "ADAMS CREEK ESTATES 5TH", and "ADAMS  
CREEK VI"; 31.25 A  
The SE/4 of the NE/4 of Section 3, Township 18 North, Range 15  
East, LESS AND EXCEPT the East 24.75 feet thereof; 39.25 A

AND

The SW/4 of Section 4, Township 18 North, Range 15 East, LESS AND  
EXCEPT the West 24.75 feet and the South 24.75 feet thereof and  
LESS AND EXCEPT the lands situated within the platted subdivision  
known as "ARROWWOOD COUNTRY ESTATES"; 110.20 A  
The S/2 of the NW/4 of Section 4, Township 18 North, Range 15  
East, LESS AND EXCEPT the West 24.75 feet thereof; 79.25 A  
The E/2 of the SE/4 of Section 4, Township 18 North, Range 15  
East, LESS AND EXCEPT the East 24.75 feet and the South 24.75  
feet thereof; 72.75 A

AND

The SW/4 of Section 5, Township 18 North, Range 15 East, LESS AND  
EXCEPT the West 24.75 feet thereof; 158.5 A  
The S/2 of the NW/4 of Section 5, Township 18 North, Range 15  
East, LESS AND EXCEPT the West 24.75 feet thereof and LESS AND  
EXCEPT the lands within the platted subdivisions known as "HILL  
VIEW ACRES" and "HILL VIEW ACRES II"; 57.97 A

3866

80 800

June 5

By Marie Boyd, Secretary

AND

The SE/4 of Section 6, Township 18 North, Range 15 East, LESS AND EXCEPT the East 24.75 feet thereof; 158.5 A

The SE/4 of the NE/4 of Section 6, Township 18 North, Range 15 East, LESS AND EXCEPT the East 24.75 feet thereof; 29.25 A

AND

All that part of the N/2 of Section 7, Township 18 North, Range 15 East lying East of the Right-of-Way of the Muskogee Turnpike, LESS AND EXCEPT the East 24.75 feet thereof and LESS AND EXCEPT the lands within the platted subdivisions known as "ANGUS ACRES", "ANGUS ACRES 2ND" and "AMENDED PLAT OF PART OF ANGUS ACRES 2ND ADDITION"; 235.44 A

All that part of the N/2 of the S/2 of Section 7, Township 18 North, Range 15 East lying East and West of the Rights-of-Way for State Highway 51 and the Muskogee Turnpike, LESS AND EXCEPT the East 24.75 feet and the West 24.75 feet thereof and LESS AND EXCEPT the lands situated within the platted subdivision known as "COUCH ADDITION"; 11.28 A

AND

The NW/4 of Section 8, Township 18 North, Range 15 East, LESS AND EXCEPT the West 24.75 feet thereof; 158.5 A

The N/2 of the S/2 of Section 8, Township 18 North, Range 15 East, LESS AND EXCEPT the East 24.75 feet and the West 24.75 feet thereof; 158.5 A

The NE/4 of Section 8, Township 18 North, Range 15 East, LESS AND EXCEPT the East 24.75 feet thereof; 158.5 A

AND

The NW/4 of Section 9, Township 18 North, Range 15 East, LESS AND EXCEPT the West 24.75 feet and the North 24.75 feet thereof and LESS AND EXCEPT the lands situated within the platted subdivisions known as "EXPRESSWAY COUNTRY ESTATES", EXPRESSWAY COUNTRY ESTATES SECOND ADDITION", "EXPRESSWAY COUNTRY ESTATES NO. 3", AND "EXPRESSWAY COUNTRY ESTATES NO. 4"; 64.25 A

AND

The N/2 of the S/2 of Section 10, Township 18 North, Range 15 East, LESS AND EXCEPT the West 24.75 feet and the East 24.75 feet thereof; 158.5 A

The N/2 of Section 10, Township 18 North, Range 15 East, LESS AND EXCEPT the West 24.75 feet, the North 24.75 feet and the East 24.75 feet thereof and LESS AND EXCEPT the lands situated within the platted subdivision known as "COVINGTON ESTATES"; 210.80 A

AND

The N/2 of the S/2 of Section 11, Township 18 North, Range 15 East, LESS AND EXCEPT the East 24.75 feet and the West 24.75 feet thereof and LESS AND EXCEPT the lands situated within the platted subdivision known as "OAK RIDGE ESTATES"; 38.5 A

The N/2 of Section 11, Township 18 North, Range 15 East, LESS AND EXCEPT the West 24.75 feet, the North 24.75 feet and the East 24.75 feet thereof. 215.5 A

SECTION 2: That from and after the time this ordinance becomes effective, the real estate described in Section 1 hereof shall be a part of the City of Broken Arrow, Oklahoma and all persons residing therein, and all property, both real and personal, attached thereto and therein, shall be and is hereby declared to be subject in all respects and particulars to the jurisdiction, control, laws, ordinances and regulations of the City of Broken Arrow, Oklahoma.

SECTION 3: That an emergency exists for the preservation of the public health, peace and safety and by reason whereof, this ordinance

shall take effect from and after its passage, approval, and publication.

PASSED and the emergency clause ruled on separately and approved this 2nd day of June, 1980.

DATED this 2nd day of June, 1980.

ATTEST:

(Seal)

City Clerk

APPROVED:

City Attorney

Mayor





# City of Broken Arrow

## Request for Action

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**File #: 19-110, Version: 1**

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### Broken Arrow Planning Commission

01-10-2019

**To:** Chairman and Commission Members

**From:** Development Services Department

**Title:** Public hearing, consideration, and possible action regarding BAZ-2022, Snead - Allen rezoning, 64.27 acres, A-1 to R-2 and FD, one-eighth mile east of 23rd Street (County Line Road/193<sup>rd</sup> E. Avenue), one-half mile north of Florence Street (111<sup>th</sup> Street)

#### Background:

**Applicant:** Mark Snead and David Allen

**Owner:** Mark Snead and David Allen

**Developer:** Mark Snead and David Allen

**Engineer:** NA

**Location:** One-eighth mile east of 23rd Street (County Line Road/193<sup>rd</sup> E. Avenue), one-half mile north of Florence Street (111<sup>th</sup> Street)

**Size of Tract** 64.27 acres

**Number of Lots:** 3

**Present Zoning:** A-1

**Proposed Zoning:** R-2

**Comp Plan:** Level 2 (Urban Residential) and Greenway/Floodplain

BAZ-2022 is a request to change the zoning designation on 64.27-acres from A-1 (Agricultural) to R-2 (Single-Family Residential) and FD (Floodplain District). The unplatted property, which contains three parcels, is located one-eighth mile east of 23<sup>rd</sup> Street (County Line Road/193<sup>rd</sup> E. Avenue), one-half mile north of Florence Street (111<sup>th</sup> Street).

Four previous cases (BAZ-1934, BAZ-1935, BAL-1072, and BAL-1074) are also connected to this rezoning case. On May 5, 2015, the Broken Arrow City Council approved BAZ-1934 and BAZ-1935 to change the zoning on these parcels from A-1 to R-2. At the time of both these rezoning requests, the property was owned by New Heart Fellowship, Inc. The rezoning was done in conjunction with two lot split requests, BAL-1072 and BAL-1074. Both of these lot split requests were conditionally approved by the Planning Commission on May 14, 2015. It was the intent of the Church to convey the property associated with BAZ-1935 and BAL-1974 to Mark Snead and to trade the property associated with BAZ-1934 and BAL-1972 to David Allen in exchange for some property owned by Mr. Allen. The property associated with BAZ-1935 and BAL-1974 was conveyed to Mark Snead in 2015. To Staff's knowledge, the land exchange between New Heart Fellowship Church and David Allen has not occurred.

A site plan for New Heart Fellowship Church was submitted to and conditionally approved by the Planning Commission on December 2, 2004. One of the conditions associated with the approval of the site plan was that a sidewalk be constructed along 23<sup>rd</sup> Street. The revised site plan that was submitted to and approved by Staff in 2005 showed a sidewalk along 23<sup>rd</sup> Street. The sidewalk, however, was not constructed. The plat for New Heart Fellowship was recorded in Wagoner County on June 24, 2005.

One of the conditions associated with the approval of both BAL-1072 and BAL-1074 was that the sidewalk along 23<sup>rd</sup> Street would be constructed (within three years) in accordance with the Subdivision Regulations, 5 feet in width and one foot from the property line in the street right-of-way, for all the property platted as New Heart Fellowship Church. In a letter dated May 14, 2015, that was submitted to the City of Broken Arrow, the Church acknowledged that the sidewalk would be constructed within three years from the date of the letter. On November 14, 2018, Staff visited the site and observed that the sidewalk still had not been constructed. On this same day, a letter was sent to the pastor for New Heart Fellowship requesting an update on the status for getting the sidewalk installed. As of this Staff report, no response has been provided.

The parcel associated with BAZ-1935 and BAL-1074 was conveyed from New Heart Fellowship Church to Mark S. Snead and Ginger R. Snead. Since a letter had been submitted by the Church acknowledging that the sidewalk would be constructed within three years, the requested lot split met the conditions established by the Planning Commission for the warranty deed to be stamped by Staff and recorded in Wagoner County. One of the conditions associated with BAL-1074 was that prior to the property being joined together with the abutting property to the east, the abutting property to the east shall be rezoned R-2. It is Mr. Snead's desire to build two single-family residential units on his property. Before this can be done, the property associated with BAL-1074 will need to be combined with part of the property associated with BAZ-2022 and then redivided. The property Mr. Snead owns that was associated with BAZ-1935 and BAL-1074 has direct access to 23<sup>rd</sup> Street. In addition, the parcel owned by Mr. Snead that is part of BAZ-2022 has access through two stub streets in the Elmwood Estates I to the north. However, only one of the two stub streets has been paved.

The Church still owns the property to the south associated with BAZ-1934 and BAL-1072. Staff has not stamped any warranty deeds associated with the lot split. It is Mr. Allen's desire to trade part of his land in exchange for the property associated with BAZ-1934 and BAL-1072. With BAZ-2022, he is fulfilling the requirement to have his land rezoned to R-2. However, Mr. Allen's land does not front onto any public street. Access to his property occurs through a 40-foot wide mutual access easement. The Planning Commission approved BAL-1072 subject to the following conditions:

1. Warranty deeds for both parcels shall be brought simultaneously to the Planning Division to be stamped prior to being recorded in Wagoner County.
2. Sidewalk shall be constructed along 23<sup>rd</sup> Street in accordance with the Subdivision Regulations, 5 feet in width and one foot from the property line in the street right-of-way, for all of the property platted as New Heart Fellowship Church prior to the warranty deeds being stamped.
3. Prior to Tract 1 being joined together with the abutting property to the east, the abutting property to the east shall be rezoned R-2.
4. Comments contained in May 4, 2015, memo from Stormwater Division Manager shall be addressed prior to the warranty deeds being stamped.
5. A request for a change of access to 23<sup>rd</sup> Street shall be submitted to and approved by the Planning Commission prior to the warranty deeds being stamped.

None of the conditions associated with BAL-1072 have been fulfilled.

Part of the property associated with BAZ-2022 is located in the 100-year floodplain of Broken Arrow Creek. With their rezoning application, applicant has submitted legal descriptions requesting that the portion of the rezoning request that are located in the 100-year floodplain be rezoned FD (Floodplain District).

Surrounding land uses and zoning classifications include the following:

North:	A-1	Elmwood Estates I addition
East:	A-1	Undeveloped
South:	A-1	Large lot single family residential
West:	AG (Tulsa County)	Undeveloped

The Future Development Guide of the Comprehensive Plan shows the site to be designated as a Level 2 and Greenway Floodplain. The R-2 zoning being requested is considered to be in accordance with the Comprehensive Plan in Level 2, and the FD zoning is considered to be in compliance with the Comprehensive Plan.

**Attachments:**

- Case map for BAZ-2022
- Aerial photo
- Comprehensive Plan
- May 14, 2015, letter from New Heart Fellowship Church
- November 14, 2018, letter to New Heart Fellowship Church
- New Heart Fellowship Church plat
- Approved site plan for New Heart Fellowship Church
- Lot split exhibit and legal description for BAL-1072 and BAL-1074
- Case map for BAL-1072
- Case map for BAL-1074

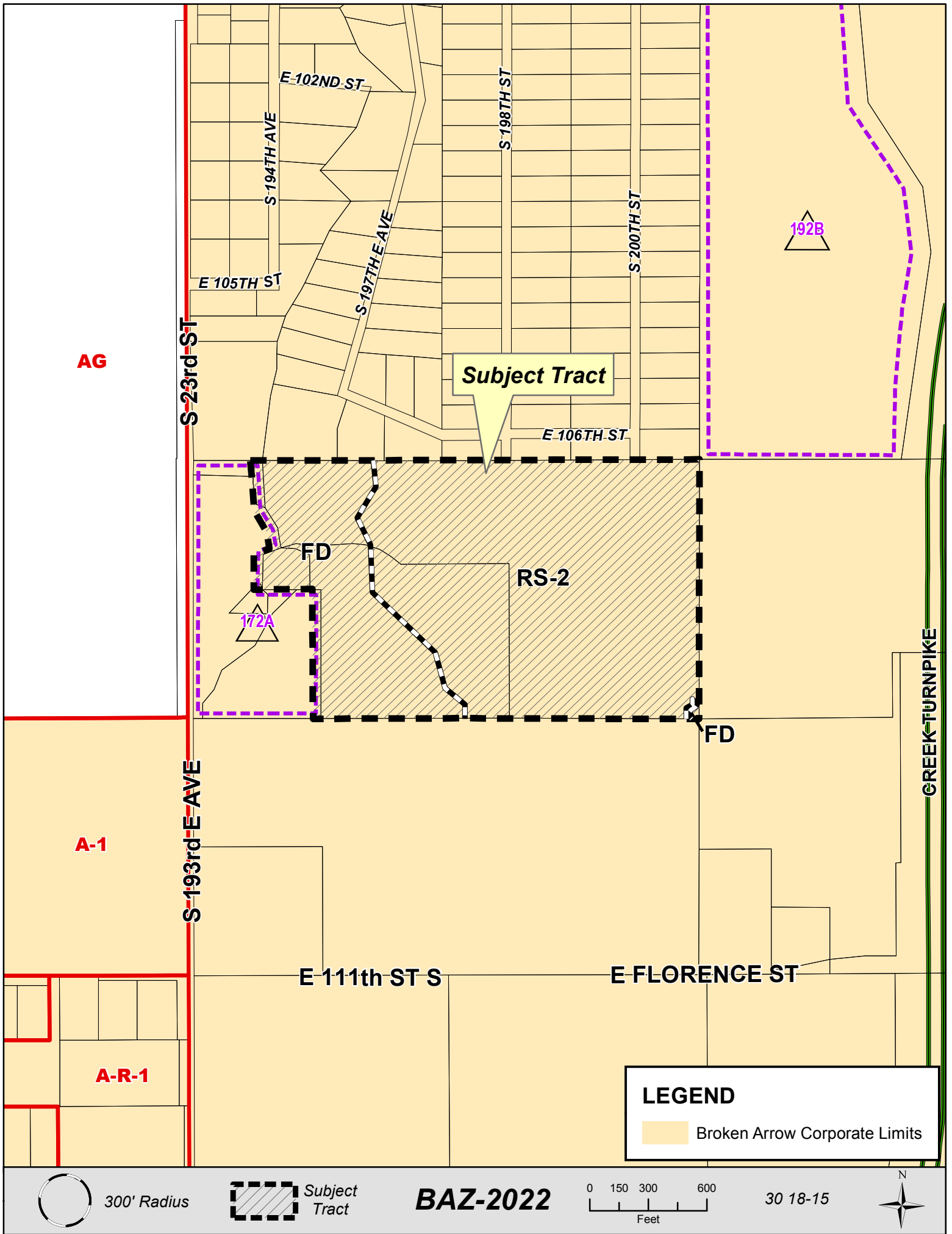
**Recommendation:**

The rezoning requested with BAZ-2022 is in conformance with the Comprehensive Plan. Based on the Comprehensive Plan, previous lot split approvals, the location of the property, and the surrounding land uses, Staff recommends that BAZ-2022 be approved subject to the property being platted. Staff can recommend that platting be waived, provided all the conditions associated with BAZ-1934, BAZ-1935, BAL-1072, and BAL-1074 are fulfilled. For Mr. Snead's property, this means that he needs to construct the sidewalk across the portion of his property that was associated with BAZ-1935 and BAL-1074. For Mr. Allen, this means that rest of the sidewalk needs to be constructed along 23<sup>rd</sup> Street. This can either be done by the Church or Mr. Allen. No Certificate of Occupancy will be issued until the installation of the sidewalks are complete on each property. The change of access to 23<sup>rd</sup> Street also needs to be submitted and approved by the Planning Commission.

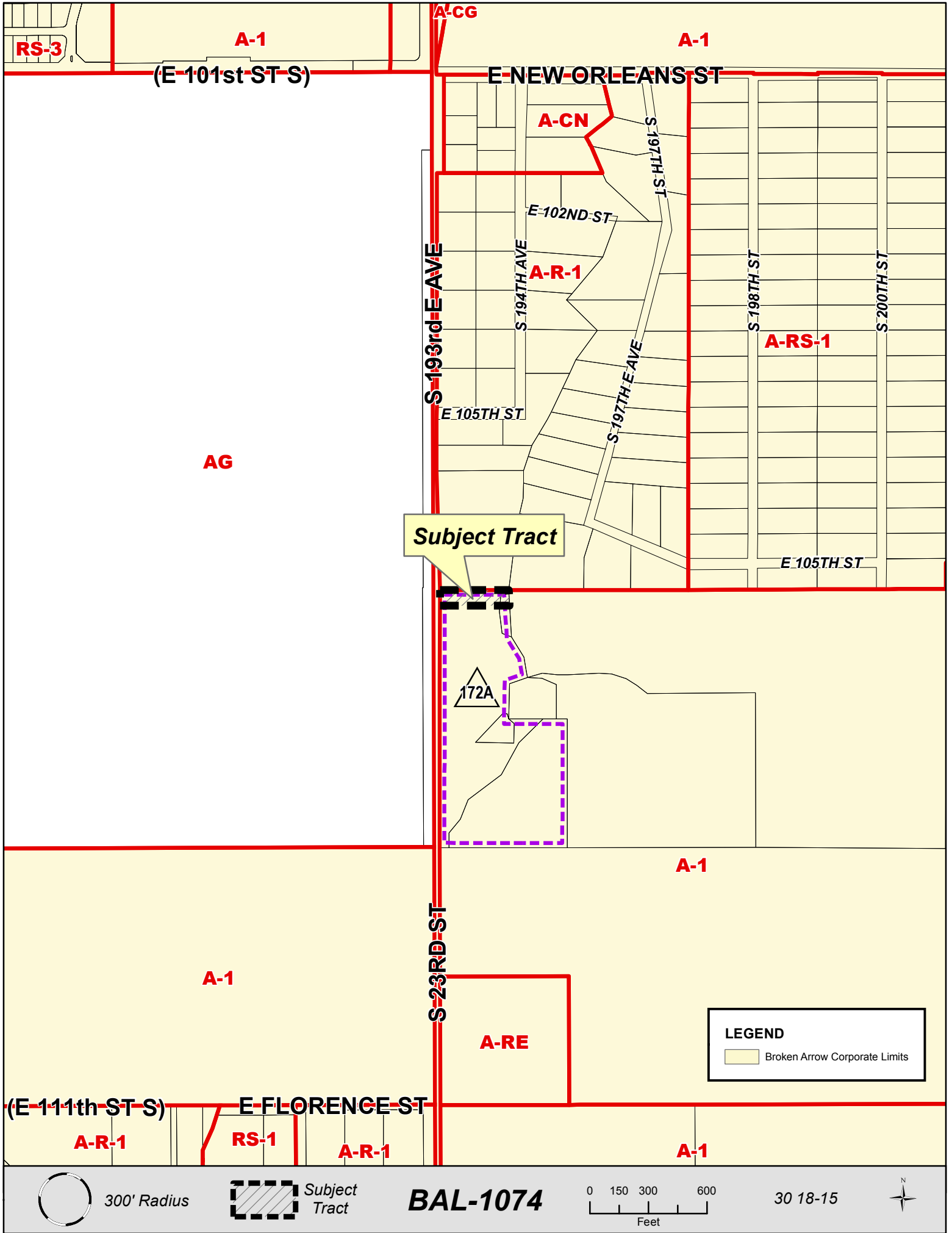
**Reviewed by: Larry Curtis**

**Approved by: Michael Skates**

BDM







Subject Tract

172A

LEGEND

Broken Arrow Corporate Limits

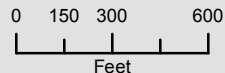


300' Radius



Subject Tract

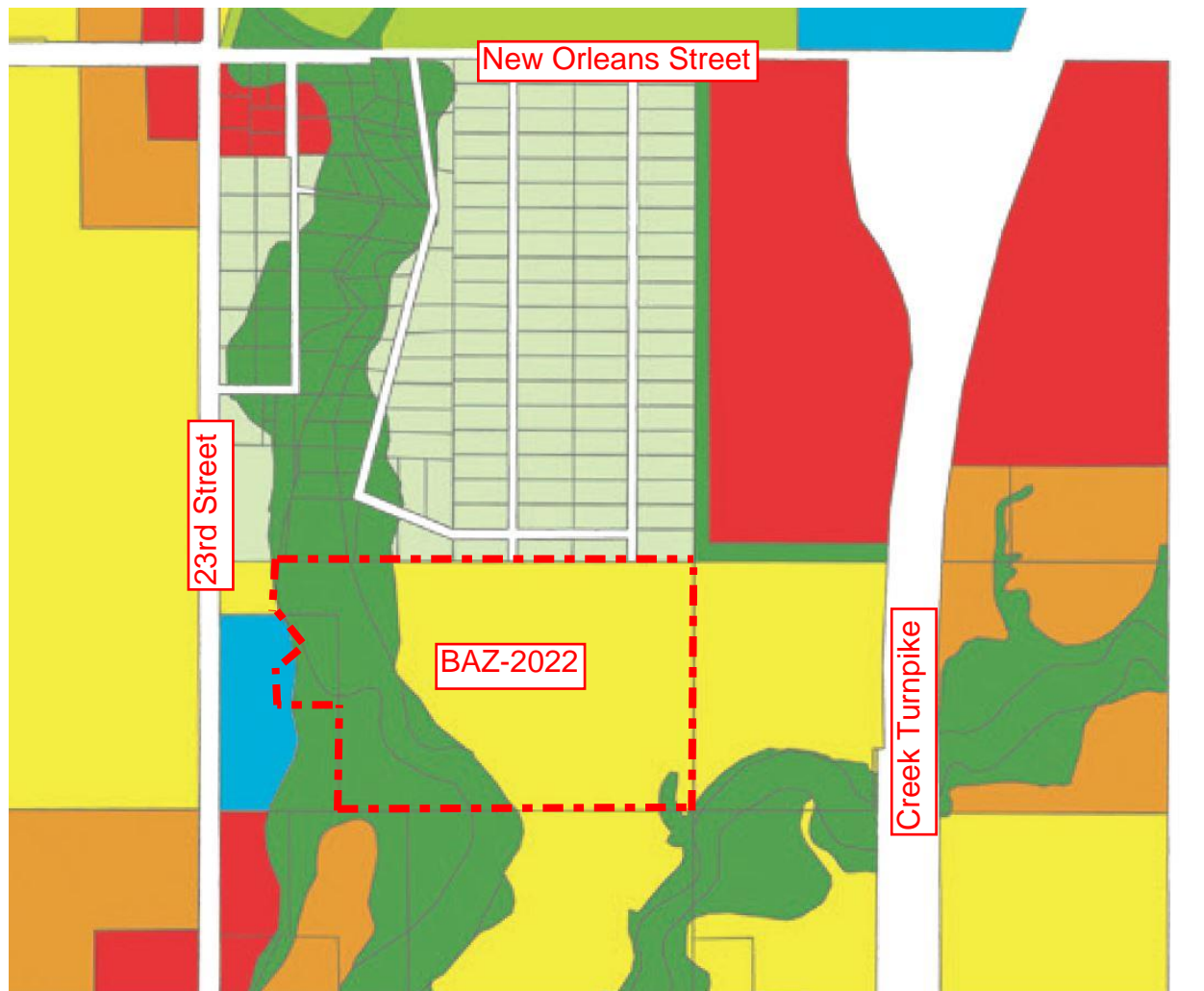
BAL-1074



30 18-15







Comp Plan

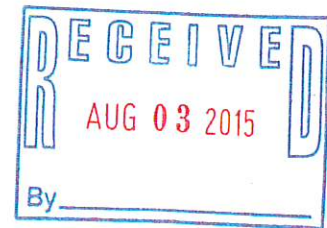




BROKEN ARROW, OK

May 14, 2015

City of Broken Arrow  
Development Services Department  
Attn: Farhad K. Daroga  
PO Box 610  
Broken Arrow, OK 74013



10675 S. 193rd E. Ave.  
Broken Arrow, OK 74014

T 918.455.5400

Work Email:

Mike.Collins@newheartba.com

Work URL: <http://newheartba.com>

Re: BAL 1074 and BAL 1072, New Heart Church Lot Split

Dear Mr. Daroga,

Pursuant to the approval of the lot splits referenced above by the City of Broken Arrow, New Heart Church acknowledges and agrees that a sidewalk shall be constructed within three years from the date of this letter along 23<sup>rd</sup> street in accordance with the Subdivision Regulations, 5 feet in width and one foot from the property line in the street right-of-way, for all of the property platted as New Heart Church, Broken Arrow.

It is our understanding and agreement that in exchange for this letter and completion of the balance of staff recommendations listed under BAL 1074 and BAL 1072, we shall receive stamps on the Warranty Deeds on the subject properties upon presentation of the same to the Planning Commission.

Cordially,

A handwritten signature in black ink, appearing to read "Ben Calmer".

Ben Calmer  
Lead Pastor



November 14, 2018

Pastor Ben Calmer  
New Heart Fellowship Church  
10675 S. 193<sup>rd</sup> East Avenue  
Broken Arrow, OK 74014

Subject: Sidewalk along 23<sup>rd</sup> Street, Broken Arrow, OK 74014 (Section 30/T18N/R15E)

Dear Pastor Calmer:

As you may recall, on December 2, 2004, the Broken Arrow Planning Commission approved the site plan for New Heart Fellowship Church. The site plan approved by the Planning Commission showed a sidewalk along the entire property frontage along 23<sup>rd</sup> Street (193<sup>rd</sup> E. Avenue). Later on May 5, 2015, the Broken Arrow City Council approved BAZ-1934 and BAZ-1935 to change the zoning on the north and south edges of the church's property from A-1 (Agriculture District) to R-2 (Single-Family Residential District). The rezoning was done in conjunction with two lot split requests, BAL-1072 and BAL-1074. Both of these lot split requests were conditionally approved by the Planning Commission on May 14, 2015.

One of the conditions associated with the approval of both BAL-1072 and BAL-1074 was that the sidewalk along 23<sup>rd</sup> Street would be constructed (within three years) in accordance with the Subdivision Regulations, 5 feet in width and one foot from the property line in the street right-of-way, for all the property platted as New Heart Fellowship Church. In a letter (copy attached) dated May 14, 2015, that was submitted to the City of Broken Arrow, you acknowledged that the sidewalk would be constructed within three years from the date of the letter. Today, we visited the site and observed that no sidewalk had been constructed. Since it has been over three years since it was acknowledged that the sidewalk would be constructed, could you please update us on the status for getting the sidewalk installed.

If you have any questions, or if we can be of further assistance, please contact me (918-259-2400 EXT 5388).

Sincerely,  
City of Broken Arrow

Brent Murphy, AICP  
Senior Planner

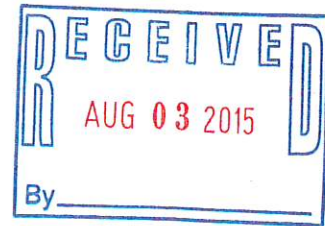
cc: Joyce Sanders  
Melinda Aycock, Toss & Eudey, LLC



BROKEN ARROW, OK

May 14, 2015

City of Broken Arrow  
Development Services Department  
Attn: Farhad K. Daroga  
PO Box 610  
Broken Arrow, OK 74013



10675 S. 193rd E. Ave.  
Broken Arrow, Ok 74014

T 918.455.5400

Work Email:

Mike.Collins@newheartba.com

Work URL: <http://newheartba.com>

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It is our understanding and agreement that in exchange for this letter and completion of the balance of staff recommendations listed under BAL 1074 and BAL 1072, we shall receive stamps on the Warranty Deeds on the subject properties upon presentation of the same to the Planning Commission.

Cordially,

A handwritten signature in black ink, appearing to read "Ben Calmer".

Ben Calmer  
Lead Pastor



PLC 41


06/24/2005 #2005-9812  
01:52:08PM B-1500 P-504  
R 15 E

NEW HEART FELLOWSHIP CHURCH

**Crafton, Tull & Associates, Inc.**  
2448 E. 81st Street, Suite 1700 Tulsa, OK 74137-4262  
918.584.0347 FAX: 918.584.3783 [www.crafttull.com](http://www.crafttull.com)  
CA 973 (PELS) EXPIRES 6/30/2004  
**Engineers & Surveyors**

BASIS OF BEARING  
ASSUME BEARING OF N 00°01'13" E  
FOR COUNTY LINE ROAD

E. FLORENCE ST. (E. 111th ST. S.)






### LEGEND



PROPOSED EASEMENT DEDICATED  
AS PART OF THIS PLAT  
EXISTING R/W

1

EXISTING EASEMENT  
PROPOSED EASEMENT DEDICATED  
AS PART OF THIS PLAT  
EXISTING R/W  
PROPERTY LINE  
FLOODPLAIN  
PROPOSED BUILDING LINE  
BUILDING SETBACK LINE  
PROPOSED R/W

BENCHMARK  
 FOUND IRON PIN  
 SET IRON PIN

APPROVED 12-20-04 by the City  
Council of the City of Broken Arrow, Oklahoma  
Richard Carter  
Mayor  
Travis Fagundes  
Attest: City Clerk 2-5-05

ADDRESSES SHOWN ON THIS PLAT ARE ACCURATE AS OF THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.

BACKFLOW PREVENTER VALVE TABLE	
PROPOSED FINISHED FLOOR	MANHOLE TOP OF RIM ELEVATION
MULTI-PURPOSE BUILDING 650.0	637.80

## NOTES

(1) STORM WATER DETENTION ACCOMMODATIONS FOR THIS SITE ARE PROVIDED BY THE "ON SITE DETENTION FACILITY AS SHOWN IN THE "NO EXCEPTIONS TAKEN" ENGINEERING PLANS IN ACCORDANCE WITH FEE-IN-LEU OF DETERMINATION #RD-32604-30.

(2) THIS CONDITIONAL FINAL PLAT AGREES WITH THE "NO EXCEPTION TAKEN" ENGINEERING PLANS FOR NEW HEART FELLOWSHIP CHURCH.

I, the undersigned, the duly qualified and acting State Treasurer of Wisconsin, do hereby certify that \_\_\_\_\_, \_\_\_\_\_, according to the \_\_\_\_\_ tax rolls, the taxes on the above description are paid.

Certified True Copy  
 CAROLYN KUSLER, COUNTY CLERK  
 Wagoner County, Okla.  
 DEPUTY  
 \_\_\_\_\_  
 CASE NO. PT04-107  
 DEVELOPMENT NO. 03-162  
 PAGE 1 OF 2

Time: 6:48 am  
Scale: 1=60 (PS)  
Date: 2/3/2005  
© 2005 CRAFTON, TULL & ASSOCIATES, INC.

Time: 11:50 am  
Scale: 1"=50' (PS)  
Drawn by: DGD  
Checked by: DGD  
Date: 2/1/2005  
Drawing Name: 044035-00(ENG)DWS(SITE PLANNING) (d4474)  
Xrefs Used: br-pa, LOC-MAP, 044035b  
© 2004 Crafton, Tull & Associates, Inc.

# LEGEND

EXISTING	PROPOSED
OHE	OVERHEAD ELECTRIC
X	BARB WIRE FENCE
G	GAS LINE
W	WATERLINE
	DIVEWAY EASEMENT
	CREEK FLOWLINE
	EDGE OF ASPHALT
	EDGE GRAVEL
	EDGE CONCRETE
	BUILDING
	BUSH
	TREE
	ROOF OVERHANG
	FLOODPLAIN
	DETENTION AREA
	PARKING
	DIVEWAY EASEMENT
	BUILDING
	SIDEWALK
	BUILDING SET BACK
	RIGHT-OF-WAY
	CENTERLINE OF CREEK
	FLOODWAY
	SIDEWALK

NO SIGNS ARE PROPOSED AT THIS TIME. IF SIGNS ARE LATER INSTALLED, THEY WILL BE INSTALLED IN ACCORDANCE WITH CITY OF BROKEN ARROW ZONING ORDINANCE.

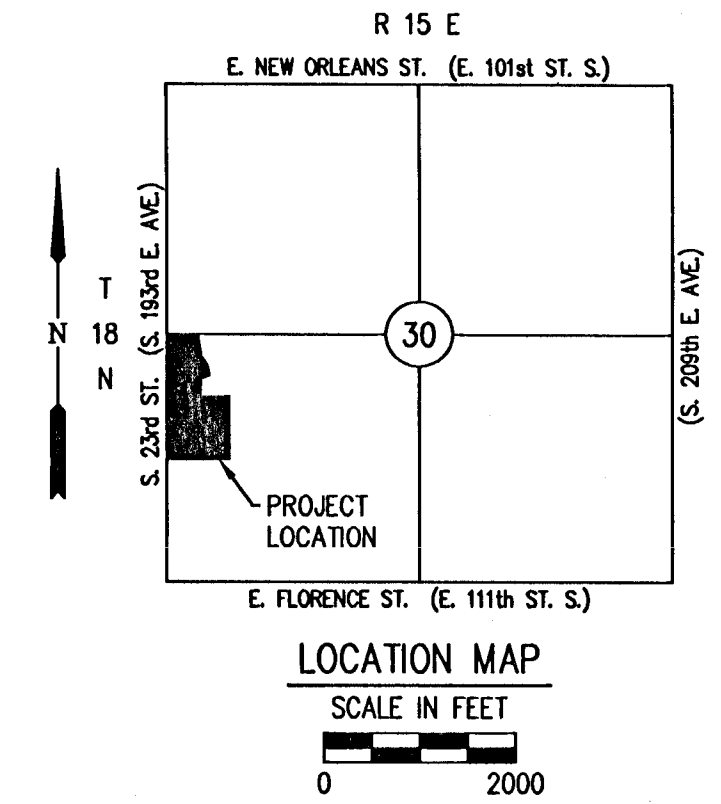
TOTAL GROSS AREA 676,687 SQ. FT.  
TOTAL DEVELOPED AREA 597,465 SQ. FT.  
IMPERVIOUS AREA 165,423 SQ. FT.  
FLOOR SPACE 24,860 SQ. FT.  
FLOOR AREA RATIO 3.7%  
MAXIMUM BUILDING HEIGHT = 35 FEET  
PARKING SPACES REQUIRED = 170  
PARKING SPACES PROVIDED = 244  
HANDICAPPED SPACES REQUIRED = 7  
HANDICAPPED SPACES PROVIDED = 7

FLOODPLAIN REFERENCE  
FIRM MAP NO. 40143C0544H DATED 9/22/1999

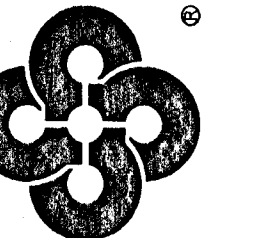
## NEW HEART FELLOWSHIP DESCRIPTION

A TRACT OF LAND LOCATED IN THE N/2 OF THE SW/4 OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 15 EAST OF THE INDIAN BASE AND MERIDIAN IN WAGONER COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID N/2 SW/4; THENCE S 89°53'41" E ALONG THE NORTH BOUNDARY OF SAID N/2 SW/4 A DISTANCE OF 324.00 FEET; THENCE S 8°30'31" E A DISTANCE OF 242.74 FEET; THENCE S 32°46'57" E A DISTANCE OF 120.98 FEET; THENCE S 10°49'18" E A DISTANCE OF 106.03 FEET; THENCE S 69°17'58" W A DISTANCE OF 97.45 FEET; THENCE S 0°01'13" W A DISTANCE OF 180.70 FEET; THENCE S 89°53'14" E A DISTANCE OF 300.05 FEET; THENCE S 0°01'13" W A DISTANCE OF 659.39 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID N/2 SW/4; THENCE N 89°53'14" W ALONG THE SOUTH BOUNDARY OF SAID N/2 SW/4 A DISTANCE OF 654.39 FEET TO THE SOUTHWEST CORNER OF SAID N/2 SW/4; THENCE N 0°01'13" E A DISTANCE OF 1320.37 FEET TO THE POINT OF BEGINNING, CONTAINING 15.53 ACRES MORE OR LESS.



**Crafton, Tull & Associates, Inc.**  
2448 E. 81st Street, Suite 1700 Tulsa, OK 74137-4262  
918.584.0347 FAX: 918.584.3763 www.crafton.com



CA 973 (PE/LS) EXPIRES 6/30/2006

NEW HEART FELLOWSHIP CHURCH  
SITE PLAN

City of Broken Arrow  
Community Development Department

Release to Building Department

Planning

Engineering

Fire Marshal

Development

3/1/05

3/1/05

3/1/05

3/1/05

3/1/05

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3/1/05

3/1/05

3/1/05

3/1/05

SITE PLAN

Drawn by

DGD

Checked by

DGD

Date

12-02-04

Job Number

044035-00

Contact Person

BAR

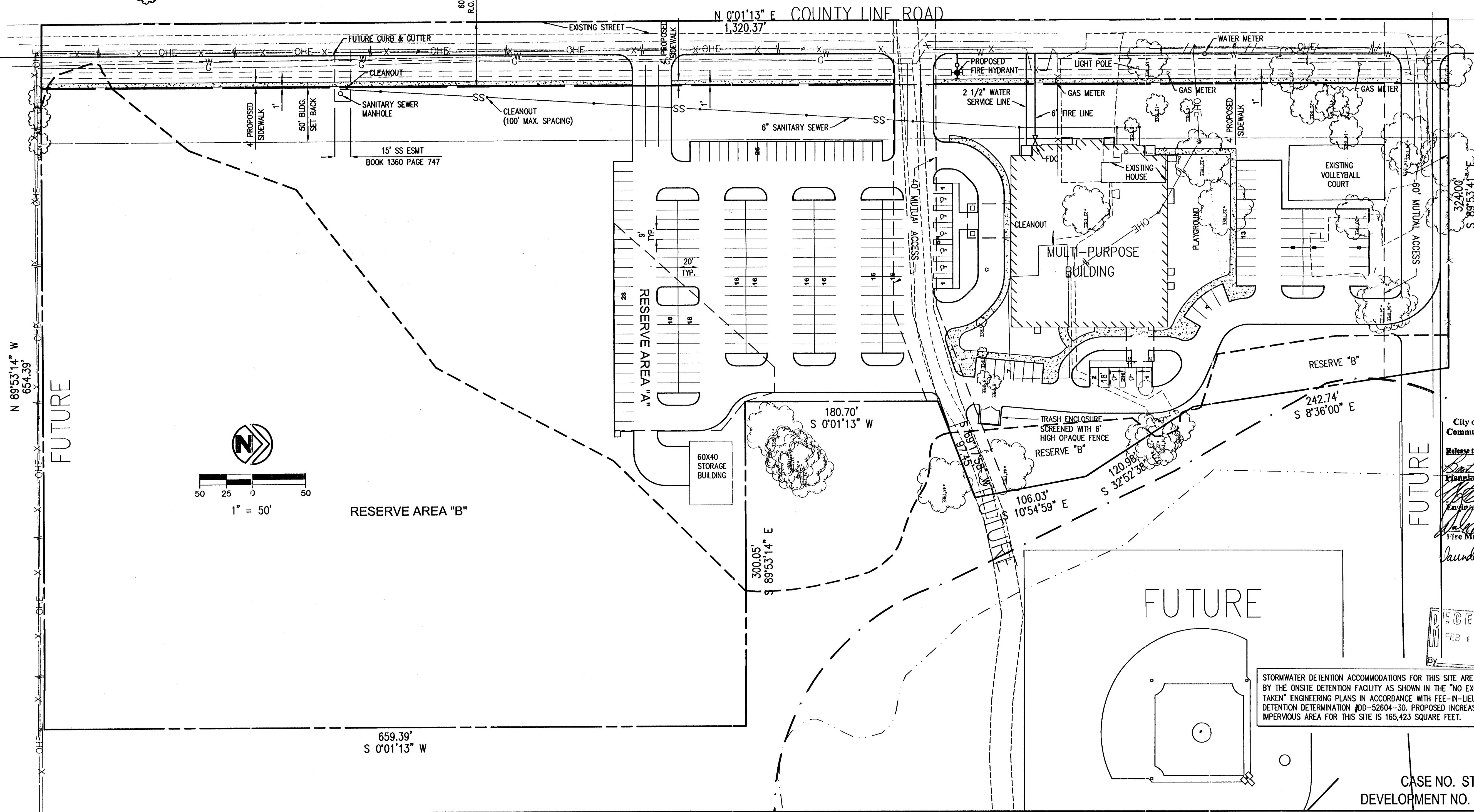
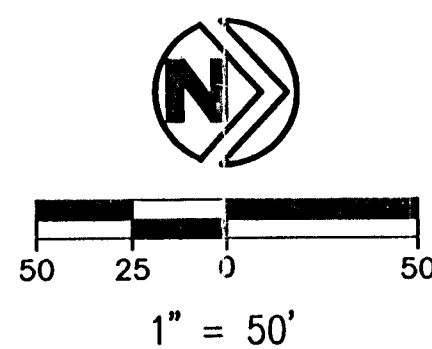
Sheet Number

1

CASE NO. ST04-116  
DEVELOPMENT NO. 03-162

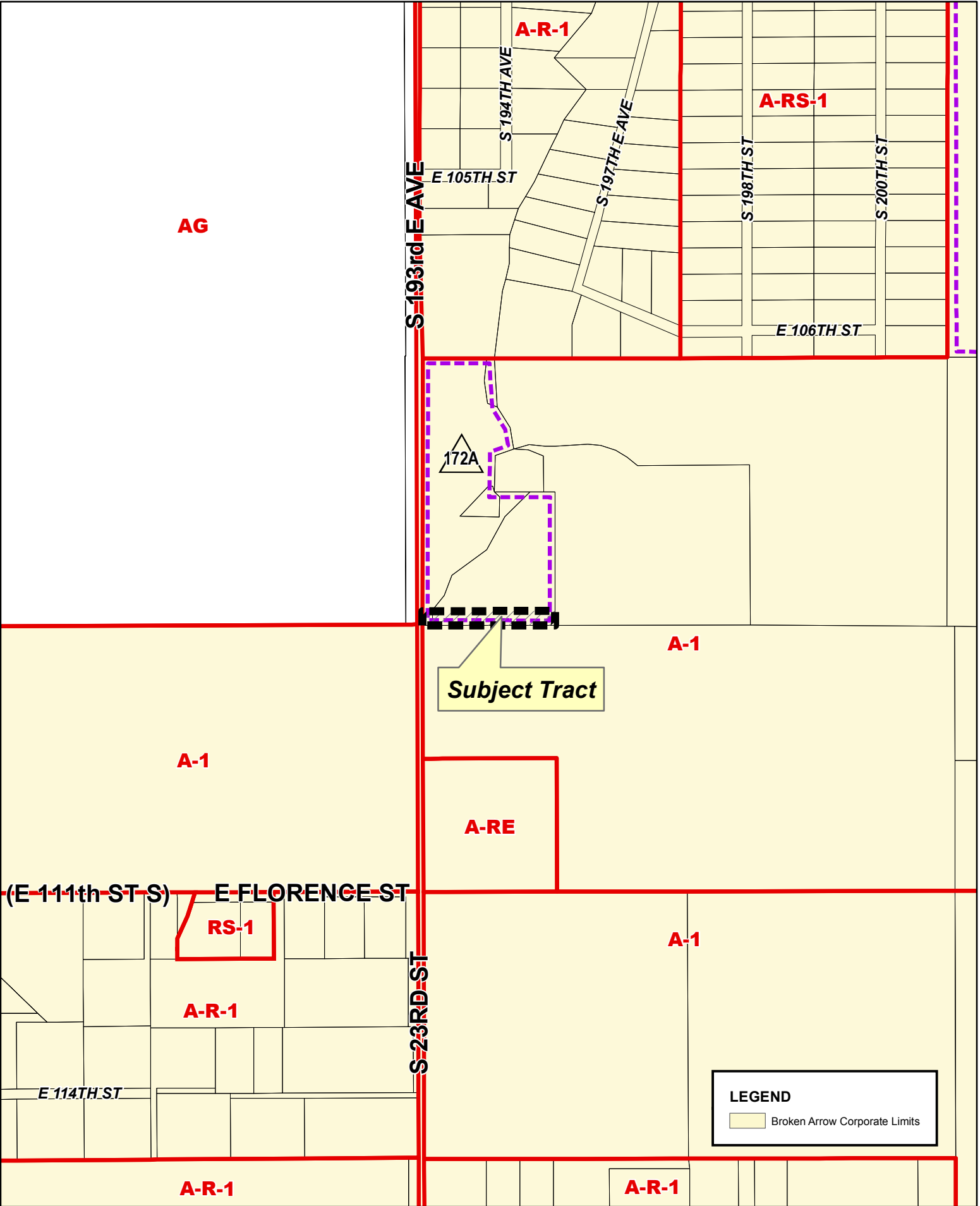
STORMWATER DETENTION ACCOMMODATIONS FOR THIS SITE ARE PROVIDED BY THE ONSITE DETENTION FACILITY AS SHOWN IN THE "NO EXCEPTIONS TAKEN" ENGINEERING PLANS IN ACCORDANCE WITH FEE-IN-LIEU OF DETENTION DETERMINATION #DD-52604-30. PROPOSED INCREASED IMPERVIOUS AREA FOR THIS SITE IS 165,423 SQUARE FEET.

RECEIVED  
FEB 11 2005  
By: [Signature]











# City of Broken Arrow

## Request for Action

---

**File #: 19-118, Version: 1**

---

**Broken Arrow Planning Commission  
01-10-2019**

**To:** Chairman and Commission Members  
**From:** Development Services Department  
**Title:** Public hearing, consideration, and possible action regarding Planned Unit Development (PUD) 285, Indian Springs Elementary School site, 10.66 acres, R-2 to ON, one-half mile south of Jasper Street (131<sup>st</sup> Street), one-quarter mile east of Aspen Avenue (145<sup>th</sup> E. Avenue)

**Background:**

**Applicant:** Robert Tolomeo, Broken Arrow Public Schools  
**Owner:** Broken Arrow Public Schools  
**Developer:** NA  
**Engineer:** NA  
**Location:** One-half mile south of Jasper Street (131<sup>st</sup> Street), one-quarter mile east of Aspen Avenue (145<sup>th</sup> E. Avenue)  
**Size of Tract** 10.66 acres  
**Number of Lots:** 1  
**Present Zoning:** R-2 to ON/BAZ-2018  
**Proposed Zoning:** ON/PUD-285  
**Comp Plan:** Level 3 (Transition Area) - BACP 155

PUD-285 is a request for a PUD (Planned Unit Development) to be placed on a 10.66-acre parcel located one-half mile south of Jasper Street (131<sup>st</sup> Street), one-quarter mile east of Aspen Avenue (145<sup>th</sup> E. Avenue). In 1972, Indian Springs Elementary School was constructed on the property. In 2013, the school was vacated and is no longer used by the school district. None of the property has been platted. No information has been provided regarding the proposed future use of the property. However, the ON district is limited primarily to office and financial type uses.

BAZ-2018, a request to change the zoning designation on this property from R-2 to ON was recommended for approval by the Planning Commission on December 20, 2018 and will be considered by the City Council in the same meeting as this PUD request, January 15, 2019. This PUD seeks to limit the uses of the property to only the allowed by right in the ON zoning designation and is being submitted to fulfill the requirements of BACP-155.

On October 18, 2016, the City Council approved BACP-155, a request to change the Comprehensive Plan designation on the property from Public/Semi-Public to Level 3. BACP-155 was approved subject to the

property being platted and all future rezoning applications to be considered for office uses only, through the Planned Unit Development process.

According to FEMA maps no part of the property is located within a 100-year floodplain. However, the 100-year floodplain of the Arkansas River abuts the property on three sides.

Surrounding land uses and zoning classifications include the following:

North:	R-2	Single-family residential
East:	R-2	Undeveloped/floodplain
South:	R-2	Undeveloped/floodplain
West:	R-2/RM	Undeveloped/floodplain

With the approval of BACP-155, the property is designated as Level 3 in the Future Development Guide of the Comprehensive Plan. The PUD being requested is considered to be in accordance with the Comprehensive Plan.

**Attachments:** Case map  
Aerial photo  
PUD-285  
PUD-285 Exhibit A  
Comp Plan  
BACP-155 letter of approval

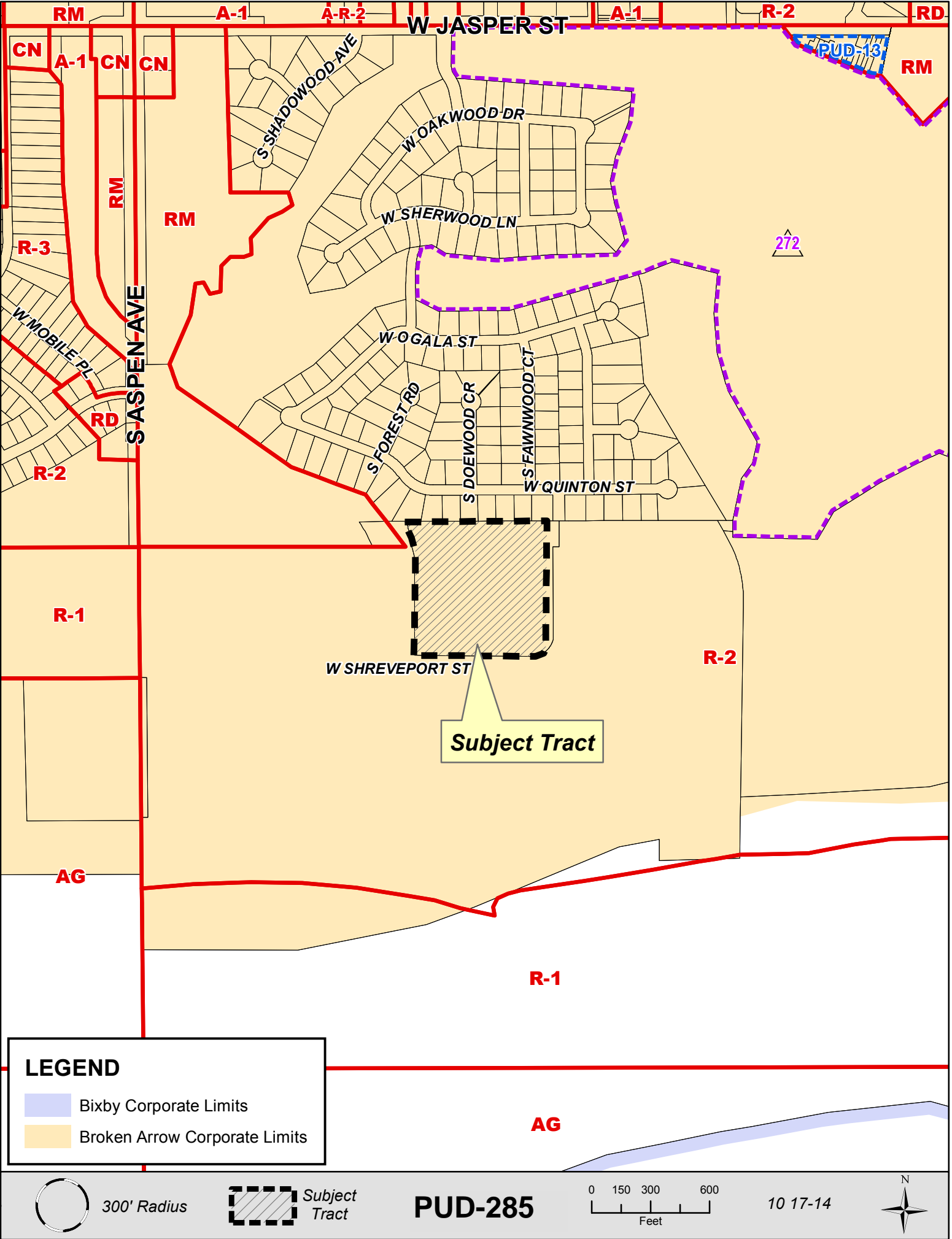
**Recommendation:**

Based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-285 be approved, subject to City Council approval of BAZ-2018 and the property being platted.

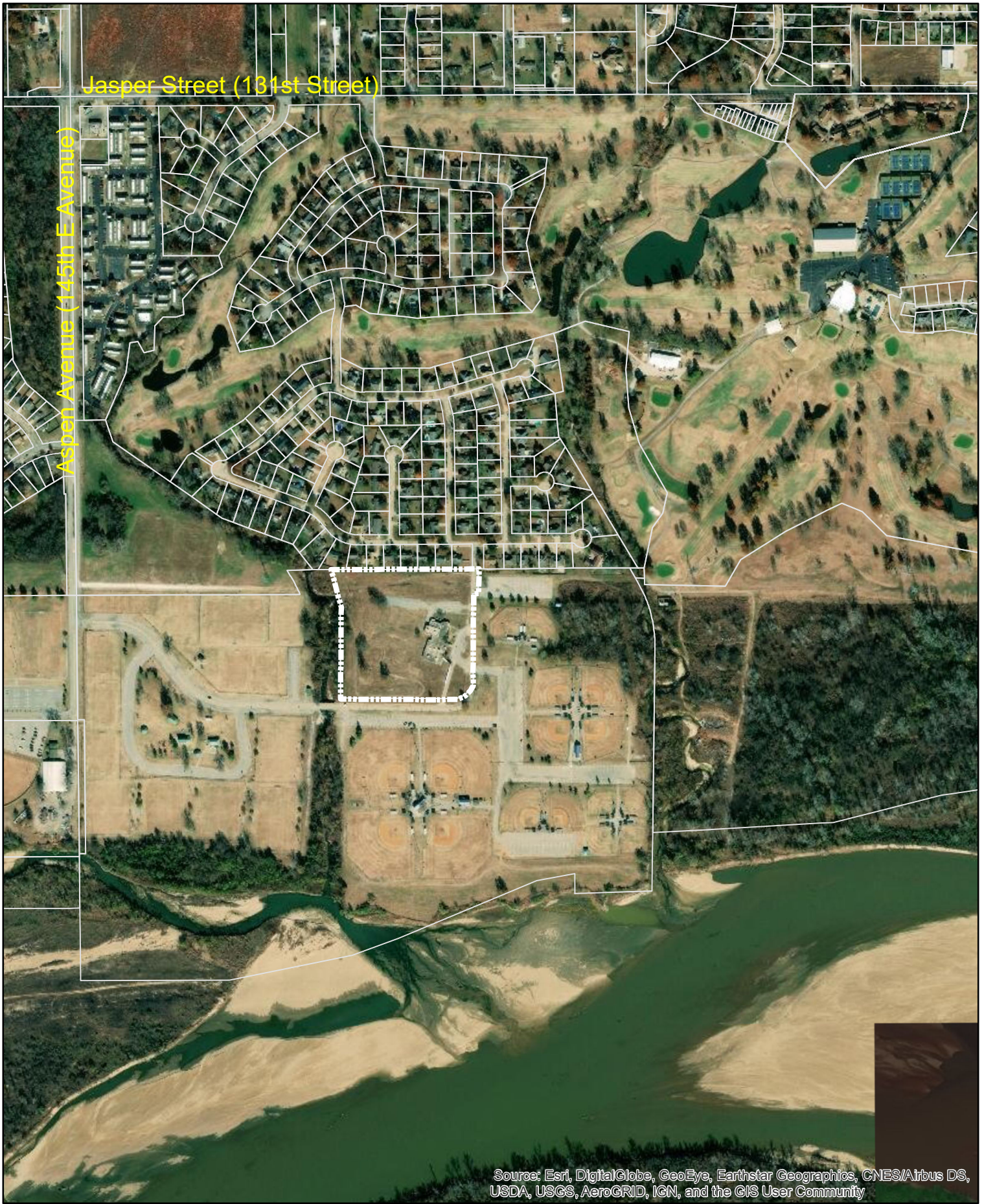
**Reviewed by: Larry Curtis**

**Approved by: Michael Skates**

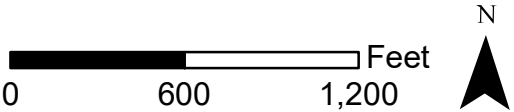
ALY







PUD-285  
Indian Springs Elementary





## **Planned Unit Development # 285**

### **Development Concept**

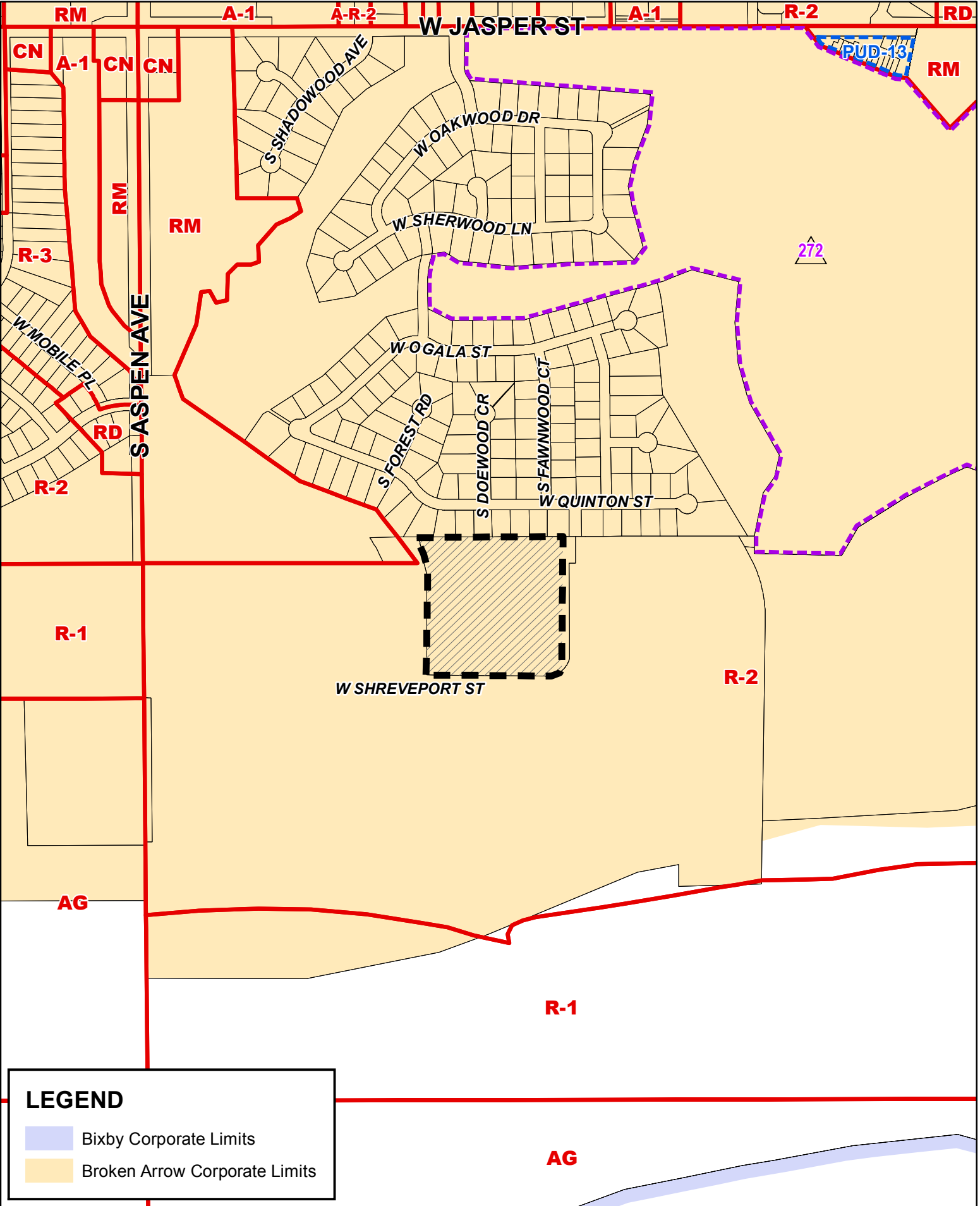
This property has been used by the Broken Arrow Public School District as, Indian Springs Elementary School since 1972; however, in 2013 the school site was vacated because of the location and lack of acreage. In addition, the previous Comprehensive Plan Designation for this property restricted the uses for potential buyers of the property. Because of this, the property owner requested to change the Comprehensive Plan Designation from Public/Semi-Public, to Level 3 (Commercial Neighborhood) to increase the marketability of this property in 2016. This comprehensive plan change required a PUD to be submitted in conformance with the ON zoning district. In 2018, the Broken Arrow Public School District requested a zoning change from residential to office (ON).

### **Development Area A**



Development Area “A” shall be developed in accordance with the Broken Arrow Zoning Ordinance and the use and development regulations of the ON District.

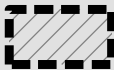
# Exhibit





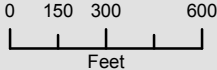
**LEGEND**

-  Bixby Corporate Limits
-  Broken Arrow Corporate Limits



Development Area A

*Exhibit A*

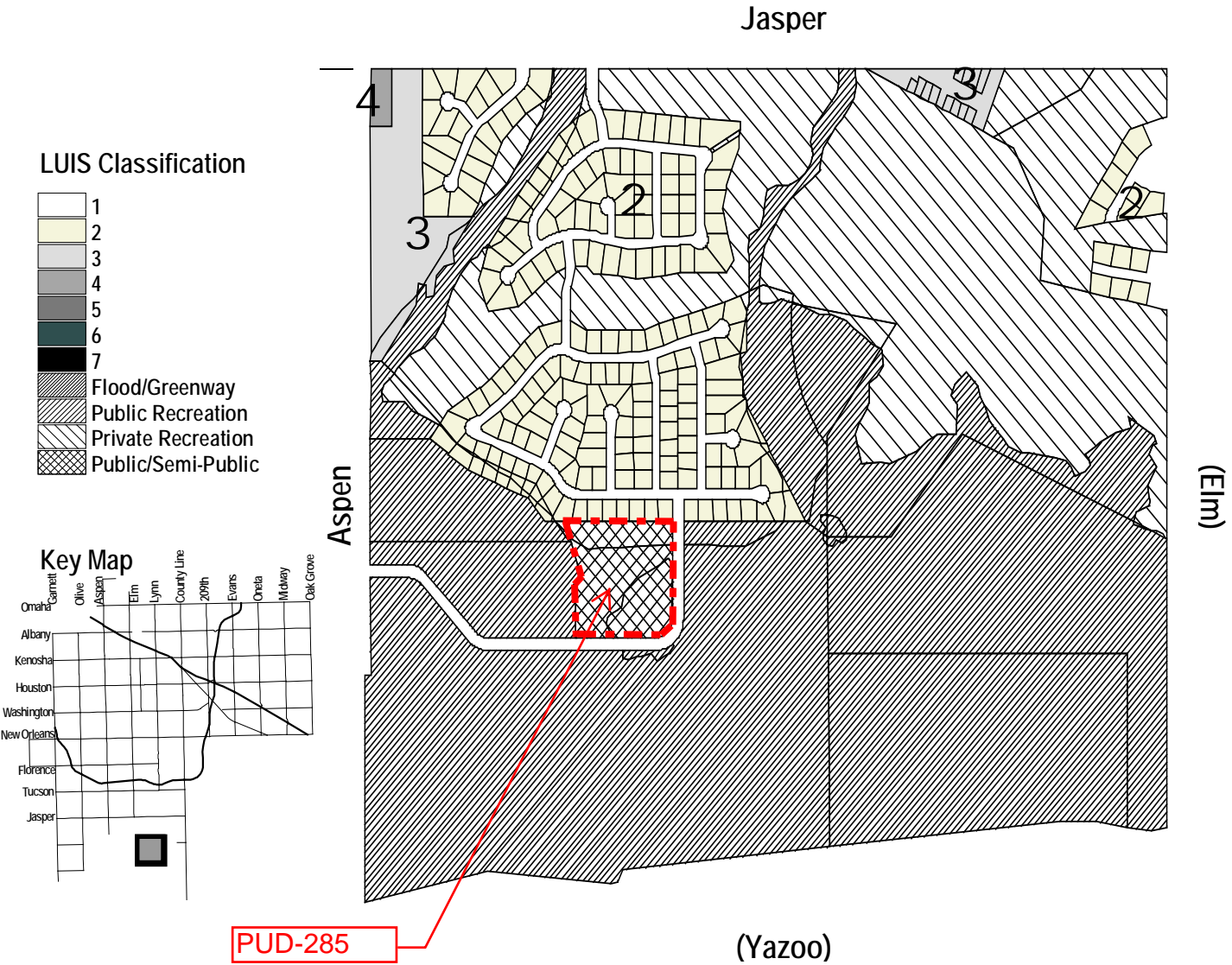


10 17-14



Jasper/(Elm Place)/(Yazoo)/Aspen (Section 10-17-14)

A Level 4 designation has been given to the northwest corner based on existing land use and zoning. A Level 3 designation has been given to the northwest corner and the Idyllwild condominiums based on existing land use and zoning. Level 2 designations have been given to existing residential development. Private and public recreation areas and floodplains are designated accordingly.





November 23, 2016

Jim Beach  
Wallace Engineering  
200 East Mathew B. Brady Street  
Tulsa, OK 74103

Subject: BACP-155 Indian Springs Elementary Site, R-2

Dear Jim:

The Broken Arrow City Council, in their meeting of October 18, 2016, approved BACP-155, your request to change the Comprehensive Plan designation on these 10.66 acres from Public/Semi Public to Level 3 (Transition Area) for Office Neighborhood (ON) uses. This unplatted property is located one-half mile south of Jasper Street, one-quarter mile east of Aspen Avenue.

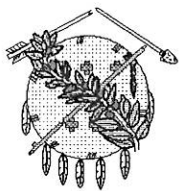
BACP-155 was approved subject to platting and all future rezoning applications to be considered for office uses only, through the Planned Unit Development (PUD) process, as recommended by the Planning Commission and Staff.

The action taken by the City Council will be recorded in the minutes of their meeting held October 18, 2016. If you have any questions, please contact me.

Sincerely,

Michael W. Skates, P.E., C.F.M.  
Director of Development Services

Enc.: BACP-155 City Council Fact Sheet  
Cc: Broken Arrow Public Schools, Attn: Derek Blackburn  
Broken Arrow Public Schools, Attn: Michelle Bergwall  
MWS/kjf



# City of Broken Arrow

## Fact Sheet

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**File #: 16-1246, Version: 1**

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**Broken Arrow City Council  
Meeting of: 10-18-2016**

**To: Mayor and City Council Members**  
**From: Development Services Department**  
**Title:**

**Consideration, discussion, and possible approval of Comprehensive Plan Change request, BACP-155, Indian Springs Elementary Site, 10.66 acres, Public/Semi-Public to Level 3, one-half mile south of Jasper Street, one-quarter mile east of Aspen Avenue**

**Background:**

BACP-155 is a request to change the Comprehensive Plan designation on 10.66 acres of unplatted land from Public/Semi-Public to Level 3 (Transition area) for Office Neighborhood (ON) use. This property is located one-half mile south of Jasper Street, one-quarter mile east of Aspen Avenue and is zoned R-2 (Single-Family Residential).

This property has been used by the Broken Arrow Public School District as, Indian Springs Elementary School since 1972; however, three years ago the school site was vacated because of the location and lack of acreage. In addition, the current Comprehensive Plan Designation (for this property) restricts the uses for potential buyers of the property. Because of this, the applicant is requesting to change the Comprehensive Plan Designation from Public/Semi-Public, to Level 3 (Commercial Neighborhood) to increase the marketability of this property. Following this Comprehensive Plan change request, the applicants propose to rezone the property, through the PUD process, for office uses.

The Planning Commission, in their meeting of September 22, 2016, reviewed and unanimously (3-0 vote) recommended that BACP-155 be approved, subject to platting and all future rezoning applications to be considered for office use only, through the PUD process, as recommended by Staff. There was one person in the audience who voiced concerns about lighting, traffic, road maintenance and property value associated with the approval of this request.

**Cost: None**  
**Prepared By: Michael W. Skates, Director of Development Services**  
**Reviewed By: Development Services Department  
Assistant City Manager- Operations  
Legal Department**  
**Approved By: Michael L. Spurgeon, City Manager**

**Attachments:**      **BACP-155 Fact Sheet from Planning Commission**  
                         **Case Map**  
                         **Aerial Photo**  
                         **Comp Plan**  
                         **Letter from Broken Arrow Schools**

**Recommendation:**

Approve BACP-155, subject to the property being platted and all future rezoning applications to be considered for office uses only, through the PUD process.