

**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, July 11, 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. [19-849](#) Approval of Planning Commission meeting minutes of June 13, 2019

**Attachments:** [06 13 2019 Planning Commission Minutes](#)

- B. [19-865](#) Approval of Planning Commission meeting minutes of June 27, 2019

**Attachments:** [06 27 2019 Planning Commission Minutes](#)

- C. [19-847](#) Approval of BAL-2055 (Lot Split), Barbee Property, 1 Lot, 5 acres, one-quarter mile south of Kenosha Street (71st Street), west of 51st Street (Evans Road)

**Attachments:** [2-CASE MAP](#)  
[3-AERIAL](#)  
[4-LOT SPLIT EXHIBIT](#)

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

**6. Public Hearings**

- A. [19-817](#) Public hearing, consideration, and possible action regarding BAZ-2032, Sommer Rezoning, 32.753 acres, A-1 (Agricultural) to CG (Commercial General), west of 23rd Street (193rd E. Avenue/County Line Road) and north of the Creek Turnpike

**Attachments:** [2-Case Map](#)  
[3-Aerial](#)  
[4-Comprehensive Plan Exhibit](#)

- B.     [19-848](#)           Public hearing, consideration, and possible action regarding BACP-163 (Comprehensive Plan Change), Tidal Wave, 3.11 acres, Public/Semi Public to Level 6, south of the southeast corner of Houston Street (81st Street) and Elm Place (161st East Avenue)

**Attachments:**   [2-CASE MAP](#)  
                          [3-AERIAL](#)  
                          [4-COMPREHENSIVE PLAN](#)

## 7. Appeals

### 8. General Commission Business

- A.     [19-755](#)           Election of Planning Commission Chairman and Vice-Chairman for 2019-2020
- B.     [19-850](#)           Consideration, discussion, and possible approval of Request to Appear forms and Guidelines for Planning Commission meetings
- Attachments:**   [Request to Appear Form and Guidelines](#)
- C.     19-851           Consideration, discussion, and possible approval of modified time limits on the Request to Appear forms and Guidelines for Planning Commission meetings

**Attachments:**   Request to Appear Form and Guidelines

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

### 10. Adjournment

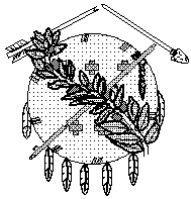
**NOTICE:**

- 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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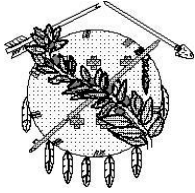
**File #:** 19-849, **Version:** 1

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**Broken Arrow Planning Commission  
07-11-2019**

**To:** Chairman and Commission Members  
**From:** Development Services Department  
**Title:** Approval of Planning Commission meeting minutes of June 13, 2019  
**Background:** Minutes recorded for the Broken Arrow Planning Commission meeting.  
**Attachments:** 06 13 2019 Planning Commission Minutes  
**Recommendation:** Approve minutes of Planning Commission meeting held June 13, 2019.  
**Reviewed and Approved By:** Larry R. Curtis





# 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*

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**Thursday, June 13, 2019**

**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

Chairperson Jones stated Commission Member Pablo Aguirre was leaving the Planning Commission. He presented Mr. Aguirre with a Plaque of Appreciation in “recognition and appreciation of his continued support and involvement on the City of Broken Arrow Planning Commission, February 2, 2018 to June 5, 2019.” He thanked Mr. Aguirre for his help and support on the Planning Commission, as well as the Board of Adjustment.

### 3. Old Business

#### A. 19-763

#### **Public hearing, consideration, and possible action regarding the proposed modifications to Table 3.1-1; Section 3.2.C and 3.3.D; Table 5.4.1; and Section 10.3.D.11.a of the Broken Arrow Zoning Ordinance**

Acting Development Services Director Larry Curtis reported these were modifications to the Zoning Ordinance proposed in regards to bed and breakfast facilities. He explained the modifications would bring the Zoning Ordinance in line with the modern take on bed and breakfasts to accommodate such entities as Air B&B. He stated currently bed and breakfasts were only permissible in commercially zoned and agricultural districts with a Specific Use Permit. He explained the modifications would create three different types of bed and breakfast facilities within the City of Broken Arrow. He discussed each type and relayed what was permitted for each type including in which district each type was permitted, owner in residence requirements, number of guests, cooking facilities, parking, architectural requirements, lighting and signage, permitting, etc. He reported 1) Type 1 was permitted in agricultural residential districts and in the Downtown Residential Overlay District in Areas 1, 2, 3, 4, and 5; Type 1 required an annual City Permit. 2) Type 2 was permitted by Specific Use Permit in agricultural, RE, RS-1, R-1, RD and RM zoning districts and by Specific Use Permit in the Downtown Residential Overlay District in Areas 1, 2, 3, 4 and 5, and was permitted in the Downtown Residential Overlay District in Area 6. 3) Type 3 was permitted by Specific Use Permit in the NM (neighborhood mixed use), CM (commercial mixed use), and DF (downtown fringe), and permitted by right in the agricultural, downtown mixed use, commercial general, commercial heavy, and permitted by right in the Downtown Residential Overlay District in Area 6. He reported Type 3 must collect hotel/motel tax and remit these taxes to the City of Broken Arrow. He noted these Ordinances were stricter than in other areas. He reported currently in the City of Broken Arrow there were approximately 120 such facilities operating illegally. He noted Code Enforcement had been sent out in relation to some of these facilities, some had come forward wishing to become compliant with City Code, and Broken Arrow wished to bring Code into alignment for these type of facilities.

Chairperson Jones stated he had reviewed other city’s codes; he appreciated how Broken Arrow divided the bed and breakfasts into three different categories, and that Type 2 and Type 3 required a Specific Use Permit. He reported last week he was in Water Color, Florida which was a community of Air B&B type facilities and was very successful.

Mr. Curtis stated Staff understood the concerns Citizens had in regards to these facilities and felt requiring facilities to be permitted enabled the City to be aware of the location of the facilities, and requiring Type 1 owners to be in residence encouraged the owner to take responsibility for the visitors. Vice Chairperson Whelpley asked if the Specific Use Permits had time limits. Mr. Curtis responded the Specific Use Permits could include time limits or the Planning Commission could add a caveat to the Ordinance clearly stating Planning Commission had the right to add a time limit if it so chose.

Chairperson Jones opened the Public Hearing for Item 3A. He noted if any present wished to speak said individual was required to sign up. He indicated he had several citizens signed up to speak.

Ms. Paula Fricke stated her address was 4005 S. Birch Place, Broken Arrow, OK 74011. She stated she loved Broken Arrow. She noted she was worried about possible traffic increase, noise increase, and “stranger danger.” She asked if these areas were being rezoned as business or commercial. Chairperson Jones responded the areas were not being rezoned. He explained the Zoning Ordinance was being amended to permit bed and breakfasts under certain conditions. Ms. Fricke stated she had friends who lived near Air B&B homes and had to deal with increased street traffic with multiple cars being parked on the street daily. She stated she worried about emergency vehicle access. She asked if there were plans regarding parking for the Air B&B’s. Mr. Curtis responded in the affirmative; he explained in the Type 1 instance one parking space was required for the owners in residence, as well as one parking space for each room (up to two rooms). He explained this meant the owner was required to provide parking spaces in a driveway on-site; on-street parking was not permitted. Ms. Fricke stated driveway parking in residential areas was limited; most driveways could not accommodate three cars. Mr. Curtis noted putting these regulations into place would enable to the City to enforce said parking regulations; without regulations in place there was nothing to enforce. Ms. Fricke asked if anyone with any house could host a bed and breakfast. Mr. Curtis responded in the negative; there were building codes in place for short term stay facilities and homes would be inspected annually to ensure compliance. Chairperson Jones stated the bed and breakfasts were also required to comply with other ordinances, such as the Noise Ordinance. Ms. Fricke asked about home owners associations. Mr. Curtis explained HOAs were private agreements between property owners and were not enforceable by the City. He noted if an HOA did not allow a home to be used as a bed and breakfast then the HOA needed to act. Ms. Fricke asked how food service would be regulated in the bed and breakfasts. Mr. Curtis responded the Health Department regulated food service. Ms. Fricke asked about insurance requirements. Chairperson Jones stated the City did not regulate insurance; it was the owner’s responsibility to acquire proper insurance. Ms. Fricke noted her biggest concern was the possibility of a bed and breakfast or Air B&B bringing her property value down. Chairperson Jones stated he understood her concern, but explained the Planning Commission did not regulate property values.

Mr. James Frere stated his address was 907 S. Willow Avenue, Broken Arrow, OK 74012. He stated he had similar concerns to Ms. Fricke. He indicated his HOA specifically ruled out any kind of commercial business in the neighborhood. He stated he worried there would be no recourse if his neighbor filed for a permit with the City of Broken Arrow and the HOA was unaware. Chairperson Jones explained the City could not enforce HOA rules and guidelines; enforcement of such rules was incumbent upon the homeowners. He stated his HOA regulated the color of shingles, and while the City might issue a permit for blue shingles it was incumbent upon the property owners to enforce the HOA covenant. Mr. Frere stated he was worried the City could issue a permit and the HOA had no way of knowing the permit was issued. He stated he felt if the City was going to allow bed and breakfasts to be run out of any neighborhood the City should be responsible for informing HOAs of permit acquisition. Assistant City Attorney Tammy Ewing stated the City was required to be consistent in how it conducted business. She explained there was a list of home occupations which were allowed within the City, while an HOA may not permit such businesses. She stated the City could not notify all HOAs whenever a home business came into existence. Mr. Frere disagreed. He believed if the City were to sign a permit it was the City’s obligation to inform the neighborhood of the permit. Assistant City Attorney Ewing stated all Specific Use Permit applications were advertised in the newspaper and on the City web site. Mr. Curtis explained a Type 2 or a Type 3 bed and breakfast which required a Specific Use Permit, required notification via public newspaper, residents within a 300 foot radius of the property would be notified by mail, and a sign would be posted on the property regarding the Public Hearing for the Specific Use Permit. He stated a Type 1 would not require a Specific Use Permit, only a permit from the City. Mr. Frere stated this was what concerned him. He stated he did not want his neighborhood to be filled with Air B&B’s which did not have enough driveway parking. He stated he believed the City should inform residents when Air B&B permits were issued. He asked when he would know if his request was being honored. Chairperson Jones explained the Planning Commission process. He explained the Planning Commission was a recommending body only; City Council would make the final decision.

Mr. Spencer Gainey stated his address was 2115 E. 36th Street, Tulsa OK. He stated he represented the Greater Tulsa Association of Realtors (GTAR). He stated the GTAR shared many of the same concerns such as security and property values. He asked if an individual applied for a Type 2 Specific Use Permit was required to go through the application process annually. Mr. Curtis responded this was what Vice Chairperson Whelpley was asking earlier: would there be a Specific Use Permit time limit. He stated he believed the Planning Commission would discuss this issue in a moment. Mr. Gainey stated he understood it was a vigorous process, which he approved of, as this helped with security. He stated he believed acquisition of a house through Air B&B or VRBO ensured homes would not be trashed due to information requirements, which included name, address, credit card information, etc. He stated he was concerned the notice in the newspaper could cause security issues by informing others there would be a home which would be unoccupied full time, such as Type 2 homes in

which the owner was not on the property. He stated he was also concerned about the illegal operation of bed and breakfasts. He asked if home owners would be allowed to continue to rent out homes through VRBO and Air B&B if not registered with the City. He stated he worried if the process to gain a permit was too vigorous residents would be deterred from applying for a permit. He noted Type 2 bed and breakfasts were routinely well-maintained due to rental competition; if the home was not beautiful, clean and well-maintained it would not rent. He stated as a result he believed short term rentals actually increased property values. He noted there was a difference between an Air B&B home and a fully operational bed and breakfast. He stated GTAR would love to sit down with the Planning Commission and City Staff to discuss Air B&B and VRBO.

Mr. Curtis asked if Mr. Gainey had witnessed any security issues which arose from public notice regarding Special Use Permits. Mr. Gainey responded in the negative; it was a concern, but he had no hard data. He stated he believed neighborhood residents should be made aware, but maybe in a manner different than a sign posted in the front yard and announcement in the public newspaper. He stated in response to Mr. Frere's HOA concerns HOAs superseded City permit issuance.

He asked if any others present wished to speak regarding Item 3A; hearing none, he closed the Public Hearing.

Commissioner Dorrell asked, for purposes of clarification, how the zoning ordinance modifications would change what was happening currently with Air B&B and VRBO. He noted there were 120 bed and breakfasts/Air B&B's in operation currently over which there was no control. He asked how the modifications would help. Mr. Curtis responded the modifications would enable the City to track the rental properties, all three types. Commissioner Dorrell stated he understood the concerns about an Air B&B in the neighborhood and he felt the modifications were beneficial as the Air B&B would have to be publicized which gave the home owner's association and the neighbors the opportunity to come before Planning Commission with concerns. He stated he felt there should be a time limit applied to the Specific Use Permits.

Mr. Curtis stated the City wished to be more diligent regarding these types of facilities, and having these regulations in place, which included fire codes, safety codes, permitting, etc., enabled the City to enforce the regulations. He stated the City of Broken Arrow was known for its PUD use. He noted these zoning modifications would not affect any PUDs in the City; PUDs superseded the zoning modifications. He explained this meant if a development had a PUD which prohibited this type of facility the PUD would require modification by the Planning Commission and City Council prior to allowing this type of facility, which again required public notification. Chairperson Jones noted most of the residential developments in Broken Arrow had a PUD. Discussion ensued regarding HOAs, HOAs policing themselves, HOAs never being aware of violations prior to the violation, and HOAs being reactive in enforcement.

Vice Chairperson Whelpley asked why a Specific Use Permit was not required for a Type 1 bed and breakfast. Mr. Curtis responded Type 2 facilities did not require the presence of the home owner. He explained Type 1 facilities required the home owner's presence in the home, and as such the owner was present and accountable; therefore, Staff did not feel a Specific Use Permit was needed. Chairperson Jones agreed this was sensible; as a homeowner he felt he had the right to rent a room in his house if he wished. Mr. Curtis reported Staff conducted extensive research regarding the zoning modifications and the various types of bed and breakfast facilities and what was being done in other communities. Chairperson Jones stated Specific Use Permits stayed with the land unless a time limit was in place. Mr. Curtis asked if a change of ownership condition could be applied to a Specific Use Permit. Assistant City Attorney Ewing stated a change of ownership could be applied to a Specific Use Permit, but she was unsure if it could be written into the ordinance. Chairperson Jones stated he believed a time limit clause would be a better regulator than a change of ownership clause.

Vice Chairperson Whelpley noted there was concern about parking. He explained the ordinance required one parking spot per room be provided, which meant if a husband and wife rented a room and brought two cars, one of the cars would be required to be parked elsewhere, not in the street.

Discussion ensued regarding the police being notified if cars were parked in the street as this was an ordinance violation, on-site parking being required, the permit not being issued unless the applicant showed how parking was provided properly, the City inspecting the property prior to permit issuance for Type 1, 2 and 3, the permit for Type 1 having a one year time limit with annual reapplication and annual re-inspection being required, and the permit granting the City the right to inspect a property if a health or safety complaint were filed at any time throughout the year.

Chairperson Jones stated he felt Staff had done due diligence and the zoning modifications seemed well reasoned. Vice Chairperson Whelpley asked if the permits were standard or if Broken Arrow had drafted the permits. Mr. Curtis responded if this were approved by City Council, City Staff would draft the applications and could present the applications to the Planning Commission.

Commissioner Dorrell asked if he rented a room out to a friend would a Type 1 permit be required. Mr. Curtis responded in the negative; this was a short term rental permit. He explained long term rentals had different regulations.

Commissioner Jones made a motion to approve Item 3A 19-763 per Staff recommendation. The motion was seconded by Chairperson Jones. Vice Chairperson Whelpley made a motion to amend Commissioner Jones’s motion relating to the Specific Use Permit time limits not to exceed one year. Commissioner Dorrell seconded the motion. Discussion ensued regarding the amendment.

MOTION: A motion was made by Lee Whelpley, seconded by Fred Dorrell.  
**Move to amend the motion to approve Item 3A, 19-763, per Staff recommendation**  
The motion carried by the following vote:

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

Chairperson Jones restated the amended motion for purposes of clarity: Move to approve Item 3A 19-763, per Staff recommendation, with the additional condition Type 2 and Type 3 Specific Use Permits were valid up to one year.

MOTION: A motion was made by Mark Jones, seconded by Lee Whelpley.  
**Move to approve Item 3A, 19-763, per Staff recommendation, with the additional condition Type 2 and Type 3 Specific Use Permits be valid up to one year**  
The motion carried by the following vote:

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

Chairperson Jones explained the Planning Commission was a recommending body only; City Council would approve or deny this Item. He stated Item 3A would go before City Council on July 16, 2019 at 6:30 p.m. He explained if any individual desired to speak regarding this Item, said individual was required to fill out a Request to Appear before City Council form in advance. He thanked the individuals who came forward to speak. Commissioner Dorrell encouraged the public to go before City Council and speak regarding this Item.

4. Consideration of Consent Agenda

Staff Planner Amanda Yamaguchi presented the Consent Agenda.

- A. 19-643 Approval of Planning Commission meeting minutes of May 09, 2019
- B. 19-723 Approval of Planning Commission meeting minutes of May 23, 2019
- C. 19-705 Approval of PT19-109, Preliminary Plat, Highland 55 at Mission Hills, 19.63 acres, 1 Lot, PUD-189 (Planned Unit Development)/RM (Residential Multifamily) to PUD-189C/RM, north of Albany Street (61st Street), one-third mile west of 9th Street (Lynn Lane)
- D. 19-644 Approval of PT19-107, Conditional Final Plat, Creek Center, a replat of a part of Possum Run Addition, 1.05 acres, 1 Lot, A-1 (Agricultural) to CG (Commercial General), west of the southwest corner of Kenosha Street (71st Street) and 51st Street (Evans Road)
- E. 19-710 Approval of request to deviate from masonry exterior building materials, ST19-111 (Site Plan), Tulsa Urology, 0.87 acres, PUD (Planned Unit Development) 130B/CH (Commercial Heavy) and RM (Residential Multi-family), 850 W. Mission Street (one-quarter mile north of Albany Street, west of Elm Place)

Chairperson 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 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 Consent Agenda Item 4A through Item 4E per Staff recommendation**  
The motion carried by the following vote:

Aye: 4 - Mark Jones, 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 taken or required.

6. Public Hearings

- A. 19-650 Public hearing, consideration, and possible action regarding BAZ-2029, Doyle Rezoning, 5.10 acres, A-RE to RE, one-third mile north of New Orleans Street (101st

**Street), one-quarter mile west of 23rd Street (193rd E. Avenue/County Line Road)**

Planner II Jane Wyrick reported BAZ-2029 was a zoning designation request to change from A-RE (annexed residential estate) to RE (residential estate). She stated the applicant proposed to sell a 2 acre portion of the property and submitted a lot split and lot consolidation request in conjunction with BAZ-2029. She reported the property currently consisted of two 2.55 acre lots; with the lost split 0.55 of an acre would be split from the south parcel and consolidated with the north parcel, resulting in a 3.1 acre parcel and a 2.0 acre parcel. She stated the property was assigned annexed residential estate (A-RE) zoning when it was annexed into the City of Broken Arrow in 2000. She noted in the RE zoning district minimum lot size was 24,000 square feet with a minimum lot frontage of 175 square feet. She reported the current lots and resulting lots met the minimum lot size and lot frontage requirements for the RE district. She stated as part of the lot split process utility easements would be designated along the street frontages in accordance with Subdivision Regulations. She noted there was one error in the Staff report which stated both right-of-way and utility easements were required, but right-of-way was not required. She reported three other properties within the neighborhood had been rezoned from A-RE to RE between 2007 and 2016. She stated the Future Development Guide for the Comprehensive Plan showed the site to be in Level 1 and RE zoning was considered to be in accordance with the Comprehensive Plan in Level 1. She stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended BAZ-2029 be approved, platting be waived, and be subject to a 17.5 foot utility easement being recorded along the street frontage prior to the warranty deeds being stamped.

Chairperson Jones noted the applicant was in agreement with Staff recommendations.

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

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

**Move to approve Item 6A, BAZ-2029, per Staff recommendation**

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 July 16, 2019 at 6:30 p.m. He recommended the applicant attend this City Council Meeting. He explained if any individual desired to speak regarding this Item, 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. Farhad Daroga announced on June 18, 2019 the Elm and New Orleans Special Study Public Meeting would be held at 7:00 p.m. at the Nazarene Church on New Orleans, just east of Elm. He stated Catalyst Consultants would make a presentation. He invited all to attend. Chairperson Jones asked if the presentation was different from the draft presentation he had a copy of. Mr. Daroga responded in the negative; after hearing public input during the Meeting the draft would be adjusted and presented to the Planning Commission and then City Council.

Mr. Daroga announced a Comprehensive Plan Joint Work Session would be held Thursday, June 20, 2019 at 5:00 p.m. in City Hall in the Conference Room. He stated the consultants would be in attendance and a new draft would be created upon hearing input from Planning Commission, City Council and Staff. He stated the Comprehensive Plan Public Hearing would take place in July.

Assistant City Attorney Ewing noted Specific Use Permits and Special Use Permits were two different permits with separate applications. She explained why a motion and second was always required and why a motion to amend was required. Discussion ensued regarding motion and second requirements.

**10. Adjournment**

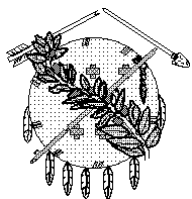
The meeting adjourned at approximately 6:08 p.m.

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



# City of Broken Arrow

## Request for Action

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**File #:** 19-865, **Version:** 1

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### Broken Arrow Planning Commission

**07-11-2019**

**To:** Chairman and Commission Members

**From:** Development Services Department

**Title:**

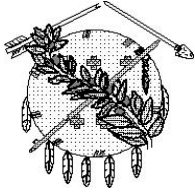
**Approval of Planning Commission meeting minutes of June 27, 2019**

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

**Attachments:** 06 27 2019 Planning Commission Minutes

**Recommendation:** Approve minutes of Planning Commission meeting held June 27, 2019.

**Reviewed and Approved By:** Larry R. Curtis



# 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*

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**Thursday, June 27, 2019**

**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

**3. Old Business**

There was no Old Business.

**4. Consideration of Consent Agenda**

Staff Planner Amanda Yamaguchi presented the Consent Agenda.

- A. 19-770** Approval of BAL-2052, Cody D. Callaway Lot Split, 2 Lots, 7.03 acres, one-eighth mile south of Jasper Street (131st Street), east of Olive Avenue (129th East Avenue)
- B. 19-728** Approval of BAL-2053 (Lot Split), Doyle Property, 1 Lot, 2.55 acres, one-third mile north of New Orleans Street (101st Street), one-quarter mile west of 23rd Street (193rd East Avenue/County Line Road)
- C. 19-729** Approval of BAL-2054CB (Lot Consolidation), Doyle Property, 2 Lots, 3.10 acres, one-third mile north of New Orleans Street (101st Street), one-quarter mile west of 23rd Street (193rd East Avenue/County Line Road)

Chairperson 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 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 Consent Agenda Items 4A, 4B and 4C per Staff recommendation**

The motion carried by the following vote:

**Aye: 4 -** Mark Jones, 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 taken or required.

**6. Public Hearings**

- A. 19-721** Public hearing, consideration, and possible action regarding BAZ-2030, Larry Stalcup, 2.50 acres, A-R-1 to R-2, one-half mile east of Aspen Avenue (145th East Avenue), north of Jasper Street (131st Street) at 12932 S. 152nd East Avenue

Senior Planner Brent Murphy reported BAZ-2030 was a request to change the zoning designation on 2.5 acres from A-R-1 to R-2. He explained A-R-1 zoning was assigned when the property was annexed into Broken Arrow in 2002. He noted 50 feet of right of way was dedicated along S. 152 East Avenue. He stated there was an existing sanitary sewer line along the west property line, but there were no water lines adjacent to the site. He noted the applicant wished to add on to the existing house, rebuild his existing barn and possibly split the property into two lots in the future. He stated the Future Development Guide of the Comprehensive Plan showed this site to be designated as Level 2 and R-2 zoning was in accordance with the Comprehensive Plan in Level 2. He stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended BAZ-2030 be approved. He stated as there were no sidewalks in the area Staff recommended the applicant not be required to install sidewalks as part of the upgrade. He indicated the applicant was aware of the requirements regarding the sanitary sewer line.

The applicant, Larry Stalcup, stated his address was 8501 S. 6<sup>th</sup> Street, Broken Arrow. He stated he agreed with Staff recommendations and noted he had already made the necessary sanitary sewer line adjustments.

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

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

**Move to approve Item 6A, BAZ-2030, per Staff recommendation**

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 July 16, 2019 at 6:30 p.m. He recommended the applicant attend this City Council Meeting. He explained if any individual desired to speak regarding this Item, said individual was required to fill out a Request to Appear before City Council form in advance.

**B. 19-802 Public hearing, consideration, and possible action regarding BAZ-2031, Patrick Bromley, 0.30 acres, RM (Residential Multifamily) to RE (Residential Estates), one-third mile west of 9th Street (Lynn Lane/177th East Avenue), south of Jasper Street (131st Street)**

Senior Planner Brent Murphy reported this was a request to change the zoning on a single family detached home on 0.3 acres from RM (Residential Multifamily) to R-2. He noted the RM zoning was approved in 1972 as part of BAZ-307. He explained in 1972 single family detached was permitted in the RM district; however, this was changed in 2008 and single family residential was no longer recognized as a permitted use in the RM district. He noted while the applicant was in the process of selling the property it was discovered this property was no longer in compliance with the Zoning Code and as such the applicant wished to rezone to come into compliance. He reported the Future Development Guide of the Comprehensive Plan showed the site to be Level 2, and R-2 zoning was considered to be in conformance with the Comprehensive Plan in Level 2. He noted the property was not located within the 100 year flood plain. He stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended approval of BAZ-2031. He stated as no additional right of way or easements were needed staff recommended platting be waived. He explained the original request read “from RM to RE”, but now was “from RM to R-2” due to Staff changes.

Chairperson Jones asked if the house burned down today would the homeowner be permitted to rebuild or would the homeowner be required to go through the rezoning process prior to rebuilding. Mr. Murphy responded the homeowner would be required to go through the rezoning process prior to rebuilding the home. He explained the mortgage company was asking for the property to come into zoning compliance prior to being sold.

The applicant, Patrick Bromley, stated his address was 8300 S. 4th Street, Broken Arrow. He stated he was in agreement with Staff recommendations.

Chairperson Jones opened the Public Hearing for Item 6B.

Ms. Amy Greenleaf stated her address was 8308 S. 4th Street. She stated she objected because she was not notified when this property was rezoned in 2008. She stated she wished the Planning Commission to rezone the whole neighborhood, not just the one property. She noted having to go through the rezoning process would be a hardship for herself and her neighbors. Chairperson Jones stated he understood Ms. Greenleaf was not opposed to the property being rezoned, but she was opposed to the rezoning process. Ms. Greenleaf responded she was opposed to the rezoning if she was not rezoned through the same application. Chairperson Jones indicated Ms. Greenleaf could not be included in this same application. He explained the area was not rezoned in 2008; the new zoning code was adopted in 2008, and as such new rules and regulations for RM zoning were adopted. He indicated the public was lawfully notified of the changes. He explained when the new rules of the zoning code were adopted in 2008 single family homes in this RM zoned area became legal non-conforming uses and as such only if a homeowner wished to expand or rebuild would a homeowner be required to rezone the property. Ms. Greenleaf noted she would also be required to rezone her home if she wished to resell, which would be a hardship; therefore, she was opposed.

Mr. Don Summers stated his address was 8313 S. 4th Street. He stated he did not object to the rezoning. He stated the property next door to his was a boarding house; often there were many cars parked outside and in the street blocking his mailbox, the privacy fence had all blown down, and the owner lived in California. He stated multifamily zoning was a “bad deal” for the neighborhood, and he felt it was wrong for the neighborhood to be zoned as RM. He stated he opposed the multifamily zoning. He noted he called the City many times complaining about the boarding house, but the City had never returned his calls in this regard.

Mr. Earl Dunham stated his address was 301 E. Kingsport Street. He stated he did not oppose the rezoning, but he seconded Ms. Greenleaf’s and Mr. Summer’s comments. He noted he bought his home four years ago. Chairperson Jones asked if Mr. Dunham was aware he was purchasing RM zoned property when he bought his home. Mr. Dunham responded in the negative and noted he worked for a mortgage company. He stated he called the holder of his



mortgage in an attempt to discover how this happened. He noted he planned to sell his home in a few years and he did not want to be caught in this same situation. He asked the Planning Commission to consider a mass application for the homeowners in the area who wished to rezone to single family.

Mr. Dan Craft stated his address was 8300 E. 4th Street. He stated he was the purchaser of the property in question. He explained he was getting a VA loan and the VA was extremely thorough in its research process. He stated he sympathized with the other residents and did not wish the neighbors to dislike him prior to moving in. He indicated he hoped there was a way to attach the interested homeowners onto this rezoning application.

Mr. Don Summers asked if this property would be a single family home.

Mr. Patrick Bromley stated he sympathized with Ms. Greenleaf. He explained there was some urgency in regard to his application as the process was causing serious delays in the selling of his home and he had been required to pay approximately \$6,000 dollars in extra mortgage payments as a result. He stated he was on the verge of bankruptcy. He stated he agreed with his neighbors that RM zoning was bad for the neighborhood. He asked if a mass application was possible that it be done at a later date to prevent any further delay in his own application. He stated this property would continue to be a single family home.

Chairperson Jones asked if any others present wished to speak regarding Item 6B; hearing none, he closed the Public Hearing.

Commissioner Mark Jones asked how the situation could be remedied for the entire neighborhood. Acting Development Services Director Larry Curtis responded there were two options. He noted this was not the only neighborhood in Broken Arrow with similar zoning. He explained the Planning Commission could direct Staff to consolidate all similar neighborhoods in Broken Arrow into a rezoning application. He explained the notification process. He stated the second option would be for an affected neighborhood to come together on its own and submit a rezoning application. He noted the Planning Commission attempted to do this for Sun City, but many citizens opposed the rezoning. He stated the Planning Commission could not give Staff direction at this meeting; however, this could be put on the agenda for the next meeting for Planning Commission consideration. Chairperson Jones asked Staff to check with Ms. Greenleaf, as well as the other citizens, and to keep the citizens apprised of the situation. Mr. Curtis agreed.

Vice Chairperson Lee Whelpley noted the Planning Commission could not address any situation which was not directly listed on the Agenda. He stated he wished the citizens to understand the Planning Commission was not intentionally ignoring a request, but was required to address Agenda Items only.

Commissioner Jones asked what the cost was for a rezoning application. Mr. Curtis responded the application cost \$150 dollars. Mr. Murphy responded the rezoning process cost was approximately \$600 dollars to \$800 dollars and there were approximately 28 properties affected in this neighborhood. Chairperson Jones noted if the City initiated the application the City would bear the cost. Discussion ensued regarding the cost being mostly associated notification fees, the neighborhood being able to split the costs associated if filed jointly, some citizens not wishing to rezone property, and some neighborhoods controlling land use through private covenants.

MOTION: A motion was made by Mark Jones, seconded by Lee Whelpley.  
**Move to approve Item 6B, BAZ-2031, RM to R-2 zoning, per Staff recommendation**  
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 July 16, 2019 at 6:30 p.m. He recommended the applicant attend this City Council Meeting. He explained if any individual desired to speak regarding this Item, said individual was required to fill out a Request to Appear before City Council form in advance.

Mr. Curtis requested the citizens who were interested in rezoning to stay until after the Meeting for the purpose of gathering contact information and further discussion as Staff would be researching the situation.

- C.    19-814    **Public hearing, consideration, and possible action regarding PUD-249A (Planned Unit Development), a major amendment to PUD-249, Bluebird Storage Facilities, 6.50 acres, IL (Industrial Light)/PUD-249 to IL/PUD-249A, south of Washington Street (91st Street), one-quarter mile east of the Creek Turnpike**  
Mr. Brent Murphy reported PUD-249A involved a 6.5 acre parcel currently zoned IL (Industrial Light) through PUD-249 and BAZ-1952 which were approved by City Council in 2016. He stated PUD-249 limited the use of the property to storage and accessory uses;

PUD-249A requested to split the property into two parcels and create two development areas (A and B). He displayed a map which showed how the property would be divided. He noted area B would continue to be storage and area A held the detention pond. He indicated this property was initially platted as a horticultural nursery and had no sanitary sewer lines, but used the detention pond as a sewer lagoon (which was previously approved). He stated the applicant wished to use area A for Industrial Light uses. He reported when Staff visited the property there were several things which had not been done (by the previous owner) in accordance with the PUD or the site plan. He explained the new owner had been made aware of the discrepancies and agreed to bring the property into compliance with the PUD and the site plan with one request: to install slats into the existing chain link fence rather than remove and reinstall different fencing. He stated based on the Comprehensive Plan, existing zoning, design statement, location of the property and the surrounding land uses, Staff recommended approval of PUD-249A and as the property was platted, waive platting requirements; however, Staff recommended the property come into compliance by January 1, 2020, including the removal of an off-premise advertising sign. He stated Staff also indicated the lot split would not be stamped and recorded until after the property had been brought into compliance.

The applicant, Tim Terral of Tulsa Engineering and Planning Associates, stated his address was 9820 E. 41st Street, Suite 102. He indicated he fully intended to bring this property into compliance. He noted he had not been aware of the discrepancies until Mr. Murphy had brought them to his attention. He stated he was in agreement with Staff recommendations.

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

Mr. Murphy noted the map he displayed (dated June 26, 2019) had been added late to the PUD application, but would be forwarded to City Council with the application. Discussion ensued regarding how to correctly word the motion.

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

**Move to approve Item 6C, PUD-249A, with the document dated June 26, 2019, per Staff recommendation**

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 July 16, 2019 at 6:30 p.m. He recommended the applicant attend this City Council Meeting. He explained if any individual desired to speak regarding this Item, said individual was required to fill out a Request to Appear before City Council form in advance.

**D. 19-757 Public hearing, consideration, and possible action regarding PUD-291 (Planned Unit Development), Boston Heights, 2.10 acres, A-1 (Agricultural) to PUD-291/RS-2 (BAZ-1991, Single Family Residential), one-half mile east of Elm Place (161st East Avenue), one-quarter mile south of Washington Street (91st Street)**

Mr. Brent Murphy reported PUD-291 involved 2.1 acres, presently zoned A-1. He stated in January 2018 City Council approved a zoning change from A-1 to RS-2 subject to the property being platted; however, the property had not been platted due to the sewer line being located approximately 32 feet to the east of the proper easement. He stated PUD-291 was a request to adjust the lot size from 70 feet to 65 feet in an effort to accommodate the sanitary sewer lines. He noted the 65 foot lot size was bigger than permissible in the RE-2 district. He noted the Staff report included a summary of the other minor changes requested by the applicant. He stated based on the Comprehensive Plan, existing zoning, design statement, conceptual site plans, location of the property and the surrounding land uses, Staff recommended PUD-291 be approved subject to the property being platted. He noted Staff required the existing utility easement be vacated.

The applicant, JR Donelson, stated his address was 12820 S. Memorial Drive, Bixby. He explained his solution for the sanitary sewer line problem was to adjust the lot lines to accommodate the sewer. He stated he agreed with Staff recommendations.

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

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

**Move to approve Item 6D, PUD-291, per Staff recommendation**

The motion carried by the following vote:

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

Chairperson Jones stated Item 6D would go before City Council on July 16, 2019 at 6:30 p.m. He recommended the applicant attend this City Council Meeting. He explained if any individual desired to speak regarding this Item, 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**

**A. 19-826 Consideration, discussion, and possible approval of modified time limits on the Request to Appear forms and Guidelines for Planning Commission meetings**

Mr. Larry Curtis noted City Council adopted a policy requiring a sign-in sheet and time limits for applicants and interested parties to speak before City Council. He explained City Council suggested the Planning Commission adopt such policies; however, the Planning Commission had the right to adopt, reject, or modify such policy.

Commissioner Dorrell noted Item 8A and Item 8B were identical. Mr. Curtis asked for Items 8A and 8B to be stricken from the Agenda and brought before the Planning Commission at a later date.

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

**Move to strike Item 8A and Item 8B from the Agenda**

The motion carried by the following vote:

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

**B. 19-827 Consideration, discussion, and possible approval of modified time limits on the Request to Appear forms and Guidelines for Planning Commission meetings**

This Item was struck from the Agenda per above motion.

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

Mr. Farhad Daroga reported last Thursday Staff met with the Consultants, City Council and the Planning Commission to review the NEXT Comprehensive Plan. He noted all parties were in general agreement with the NEXT Comprehensive Plan and Staff was moving forward with final notification. He reported the NEXT Comprehensive Plan would come before Planning Commission on July 25, 2019 for the final Public Hearing, following which the NEXT Comprehensive Plan would be forwarded to the City Council. Chairperson Jones stated he did not feel it was necessary for the Consultant to make a presentation regarding the NEXT Comprehensive Plan; Mr. Daroga could make the presentation.

Mr. Curtis noted there was an open position for the Director of Development Services; the City had moved forward with the application process, there were 41 applicants for the position and administration was reviewing the applicants. He stated he hoped the decision would be made regarding this position within the next couple of months.

Chairperson Jones asked if there were any suggestions regarding a new Planning Commission Member. Mr. Curtis responded in the negative.

**10. Adjournment**

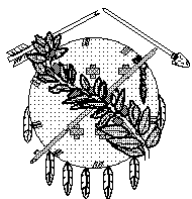
The meeting adjourned at approximately 5:52 p.m.

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



# City of Broken Arrow

## Request for Action

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**File #: 19-847, Version: 1**

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### Broken Arrow Planning Commission

07-11-2019

**To:** Chairman and Commission Members

**From:** Development Services Department

**Title:**

**Approval of BAL-2055 (Lot Split), Barbee Property, 1 Lot, 5 acres, one-quarter mile south of Kenosha Street (71<sup>st</sup> Street), west of 51st Street (Evans Road)**

**Background:**

**Applicant:** Jim Barbee

**Owner:** Jim Barbee

**Developer:** NA

**Surveyor:** White Surveying Company

**Location:** One-quarter mile south of Kenosha Street (71st Street), west of 51st Street (Evans Road)

**Size of Tract** 5 total acres

**Number of Lots:** 1 (to be split into 3 lots)

**Present Zoning:** A-1 to RS-2 via BAZ-2021

**Comp Plan:** Level 2 (Urban Residential)

Lot split request BAL-2055 involves a 5.02-acre, unplatted, lot located one-quarter mile south of Kenosha Street (71st Street), west of 51st Street (Evans Road).

On February 5, 2019, City Council approved BAZ-2021 a request to rezone this property from A-1 (Agricultural) to RS-2 (Single-Family Residential). The approval was subject to right-of-way and utility easements being dedicated along 51<sup>st</sup> Street (Evans Road) in accordance with the Subdivision Regulations. Right-of-way and utility easement dedication documents are scheduled to be considered by the City Council on July 16, 2019.

BAL-2055 is a request to split an existing 5.02-acre parcel into 3 separate tracts. Tract 1 is proposed to be 1.05 acres and contains an existing single family home. The existing home meets all setback requirements of the RS-2 zoning district. Tract 2 is proposed to be 2.23 acres and is vacant land. Tract 3 is 1.36 acres and contains an existing shop building. This existing structure does not meet the rear setback of the recently approved RS-2 zoning or the previous A-1 zoning district. This structure is considered legal non-conforming and may remain in its current state. No permits shall be issued to increase the non-conformity. In the event the structure is significantly damaged or destroyed, any new structure would be required to meet the setback requirements of the RS-2 zoning district. All proposed tracts meet the lot frontage and size requirements of the RS-2 zoning district.

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

**Attachments:** Case map  
Aerial  
Lot Split Exhibit

**Recommendation:**

Staff recommends BAL-2055 be approved, subject to the following:

1. The warranty deed for each parcel shall be brought to the Plan Development Division to be stamped prior to being recorded in Wagoner County.
2. Right-of-way and utility easements being dedicated along 51st Street (Evans Road) in accordance with the Subdivision Regulations.

**Reviewed and Approved By:** Larry R. Curtis

ALY





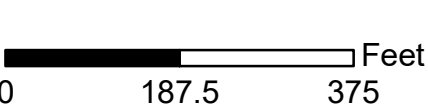


Kenosha Street (71st Street)

51st Street (Evans Road)

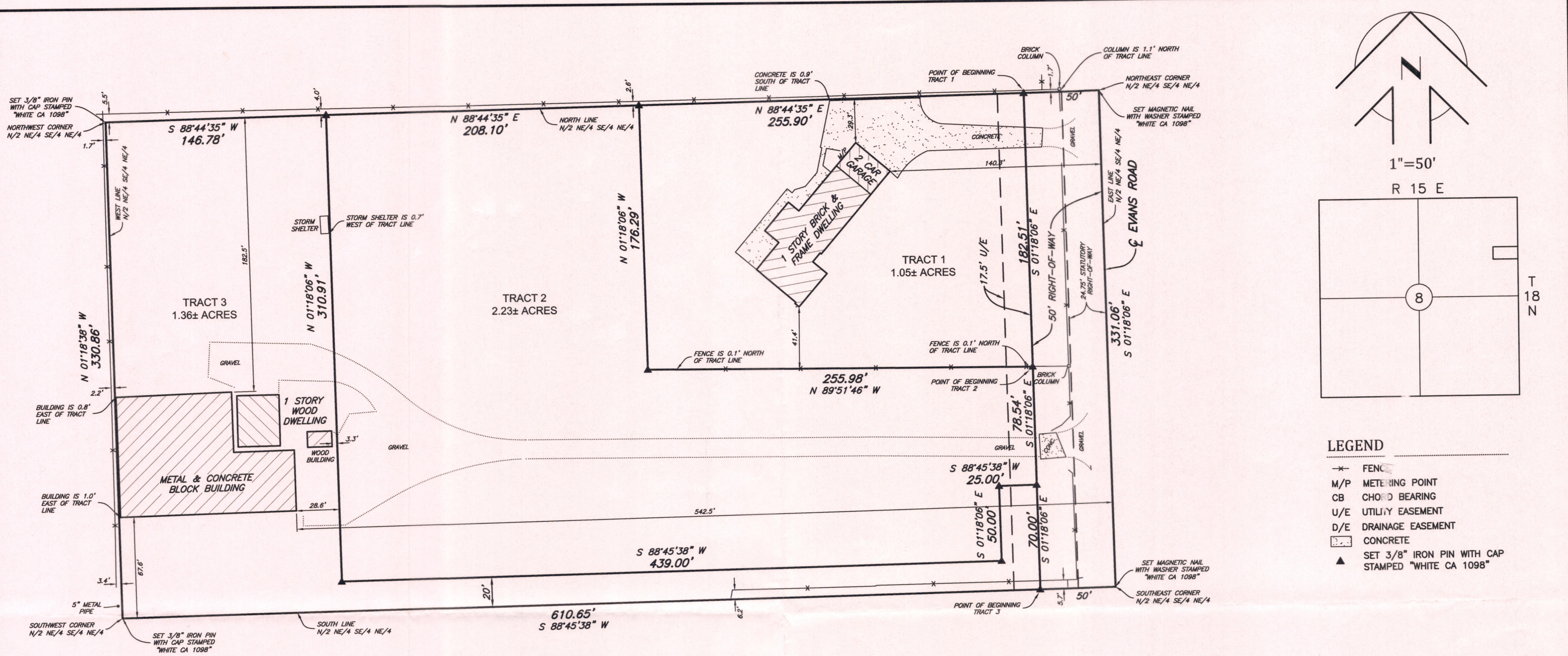
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

BAL-2055  
Barbee Property





MA - N:\08-18-15\NE97181P519.dwg 05/23/19



Tract 1:  
A tract of land in the North Half of the Northeast Quarter of the of the Southeast Quarter of the Northeast Quarter (N/2 NE/4 SE/4 NE/4) of Section 8, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract of land being described as follows: Commencing at the Northeast corner of said N/2 of the NE/4 of the SE/4 of the NE/4; Thence South 88°44'35" West along the North line of said N/2 of the NE/4 of the SE/4 of the NE/4 for 50.00 feet to the Point of Beginning; Thence South 01°18'06" East for 182.51 feet; Thence North 89°51'46" West for 255.98 feet; Thence North 01°18'06" West for 176.29 feet to a point on the North line of said N/2 of the NE/4 of the SE/4 of the NE/4; Thence North 88°44'35" East along the North line of said N/2 of the NE/4 of the SE/4 of the NE/4 for 255.90 feet to the Point of Beginning.

Tract 2:  
A tract of land in the North Half of the Northeast Quarter of the of the Southeast Quarter of the Northeast Quarter (N/2 NE/4 SE/4 NE/4) of Section 8, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract of land being described as follows: Commencing at the Northeast corner of said N/2 of the NE/4 of the SE/4 of the NE/4; Thence South 88°44'35" West along the North line of said N/2 of the NE/4 of the SE/4 of the NE/4 for 50.00 feet; Thence South 01°18'06" East for 182.51 feet to the Point of Beginning; Thence continuing South 01°18'06" East for 78.54 feet; Thence South 88°45'38" West for 25.00 feet; Thence South 01°18'06" East for 50.00 feet; Thence South 88°45'38" West for 439.00 feet; Thence North 01°18'06" West for 310.91 feet to a point on the North line of said N/2 of the NE/4 of the SE/4 of the NE/4; Thence North 88°44'35" East along the North line of said N/2 of the NE/4 of the SE/4 of the NE/4 for 208.10 feet; Thence South 01°18'06" East for 176.29 feet; Thence South 88°51'46" East for 255.98 feet to the Point of Beginning.

Tract 3:  
A tract of land in the North Half of the Northeast Quarter of the of the Southeast Quarter of the Northeast Quarter (N/2 NE/4 SE/4 NE/4) of Section 8, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract of land being described as follows: Commencing at the Southeast corner of said N/2 of the NE/4 of the SE/4 of the NE/4, said point being South 01°18'06" East and 331.06 feet from the Northeast corner of said N/2 of the NE/4 of the SE/4 of the NE/4; Thence South 88°45'38" West along the South line of said N/2 of the NE/4 of the SE/4 of the NE/4 for 50.00 feet to the Point of Beginning; Thence continuing South 88°45'38" West for 610.65 feet to the Southwest corner of said N/2 of the NE/4 of the SE/4 of the NE/4; Thence North 01°18'38" West for 330.86 feet to the Northwest corner of said N/2 of the NE/4 of the SE/4 of the NE/4; Thence North 88°44'35" East along the North line of said N/2 of the NE/4 of the SE/4 of the NE/4 for 146.78 feet; Thence South 01°18'06" East for 310.91 feet; Thence North 88°45'38" East for 439.00 feet; Thence North 01°18'06" West for 50.00 feet; Thence North 88°45'38" East for 25.00 feet; Thence South 01°18'06" East for 70.00 feet to the Point of Beginning.

50 foot Right-of-Way:  
The East 50.00 feet of the North Half of the Northeast Quarter of the of the Southeast Quarter of the Northeast Quarter (N/2 NE/4 SE/4 NE/4) of Section 8, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, according to the U.S. Government Survey thereof.

17.50 foot Utility Easement:  
The West 17.50 feet of the East 67.50 feet of the North Half of the Northeast Quarter of the of the Southeast Quarter of the Northeast Quarter (N/2 NE/4 SE/4 NE/4) of Section 8, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, according to the U.S. Government Survey thereof.

#### GENERAL NOTES

THE BEARINGS SHOWN HEREON ARE BASED ON: THE OKLAHOMA STATE PLANE COORDINATE SYSTEM.

THE PROPERTY DESCRIBED HEREON CONTAINS 5.02 ACRES, MORE OR LESS.

FIELD WORK COMPLETED MAY 20, 2019.

## PLAT OF SURVEY

INVOICE NO.: STK 19-97181  
CLIENT: KENNETH BARBEE

#### SURVEYOR'S STATEMENT

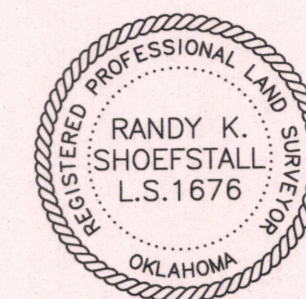
WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE ABOVE PLAT OF SURVEY IS AN ACCURATE REPRESENTATION OF A CAREFUL BOUNDARY SURVEY OF THE PROPERTY DESCRIBED HEREON, AND MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION. WE FURTHER STATE THAT THE ABOVE AND FOREGOING PLAT OF SURVEY ACCURATELY SHOWS THE LOCATION OF THE BOUNDARY CORNERS AND THEIR MONUMENTATION, THE DIMENSIONS OF THE PROPERTY, THE LOCATIONS OF ALL BUILDINGS ON PERMANENT FOUNDATIONS, ALL RECORDED PLAT EASEMENTS AND BUILDING OF SETBACK LINES (IF APPLICABLE), AND ALL OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR COMMITMENT FOR TITLE INSURANCE AND COPIES THEREOF PROVIDED TO US PRIOR TO THE TIME OF THIS SURVEY; THAT UNDERGROUND OR ABOVE GROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS PLAT OF SURVEY UNLESS SPECIFICALLY REQUESTED PRIOR TO THE TIME OF THIS SURVEY; THAT EXCEPT AS SHOWN, THERE ARE NO ENCROACHMENTS FROM ADJOINING PREMISES ONTO THE PROPERTY DESCRIBED HEREON OR ONTO ADJOINING PREMISES FROM THE PROPERTY DESCRIBED HEREON BY VISIBLE PERMANENT IMPROVEMENTS; AND THAT THIS PLAT OF SURVEY IS PREPARED SOLELY FOR THE PARTIES LISTED HEREON AS OF THIS DATE AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION.

WHITE SURVEYING COMPANY  
CERTIFICATE OF  
AUTHORIZATION NO. CA1098  
(RENEWAL 6/30/2019)

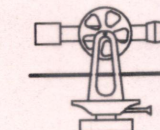
CITY OF BROKEN ARROW

JUN 11 2019

RECEIVED



BY: *Randy K. Shoefstall* DATE: 6/14/2019  
REGISTERED PROFESSIONAL LAND  
SURVEYOR OKLAHOMA NO. 1676

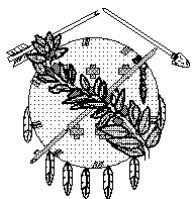


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# City of Broken Arrow

## Request for Action

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**File #: 19-817, Version: 1**

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### Broken Arrow Planning Commission

07-11-2019

**To:** Chairman and Commission Members

**From:** Development Services Department

**Title:** Public hearing, consideration, and possible action regarding BAZ-2032, Sommer Rezoning, 32.753 acres, A-1 (Agricultural) to CG (Commercial General), west of of 23<sup>rd</sup> Street (193<sup>rd</sup> E. Avenue/County Line Road) and north of the Creek Turnpike

#### Background:

**Applicant:** Michael Sommer, Trustee

**Owner:** William Paul Sommer Revocable Trust

**Developer:** Michael Sommer, Trustee

**Engineer:** NA

**Location:** West of 23<sup>rd</sup> Street (193<sup>rd</sup> E. Avenue/County Line Road) and north of the Creek Turnpike

**Size of Tract** 32.753 acres

**Number of Lots:** 1

**Present Zoning:** A-1 (Agricultural)

**Proposed Zoning:** CG (Commercial General)

**Comp Plan:** Level 6 (Regional Employment/Commercial)

BAZ-2032 is a request to change the zoning designation on 32.753 acres from A-1 (Agricultural) to CG (Commercial General). The unplatted property is located west of 23<sup>rd</sup> Street (193<sup>rd</sup> E. Avenue) and north of the Creek Turnpike.

The subject property once included a larger area; however, on May 12, 1999, the Oklahoma Turnpike Authority acquired a portion of the applicant's property for construction of the Creek Turnpike. On July 2, 2004, the applicant dedicated a 25.25-foot strip of land (totaling 0.48 acres) along the 23<sup>rd</sup> Street frontage of this property for public right-of-way.

Surrounding land uses and zoning classifications include the following:

North:	A-1	Undeveloped, future fire station
East:	A-1	Single-family residential
South:	A-1	Creek Turnpike and undeveloped
West:	PUD-133A/R-2	Undeveloped, single-family residential

The Future Development Guide of the Comprehensive Plan shows the site to be designated as Level 6. The CG (Commercial General) zoning being requested is considered to be in accordance with the Comprehensive Plan in Level 6.

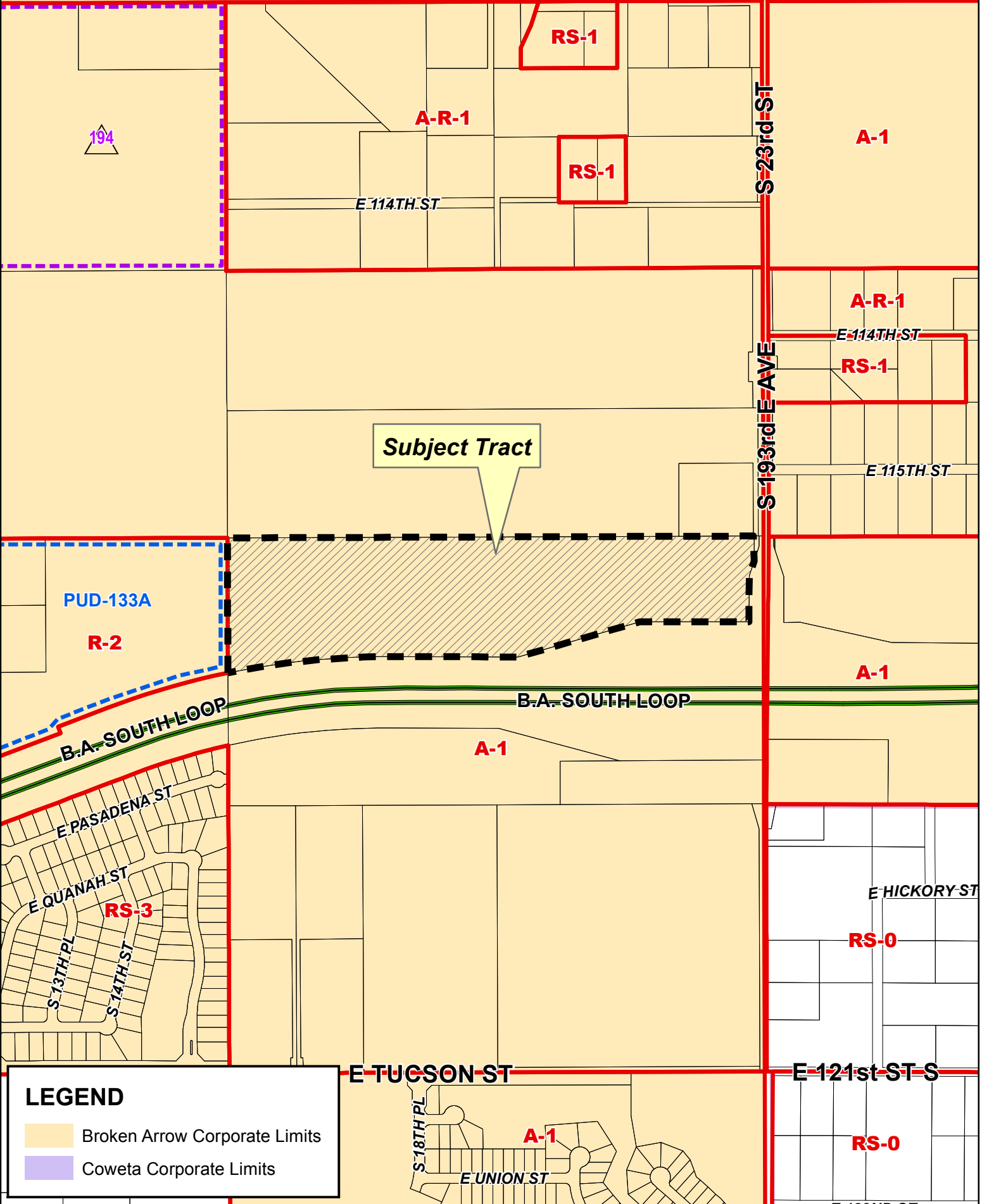
**Attachments:** Case Map  
Aerial photo  
Comprehensive Plan Exhibit

**Recommendation:**

Based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that BAZ-2032 be approved subject to platting.

**Reviewed and approved by: Larry R. Curtis**

JMW

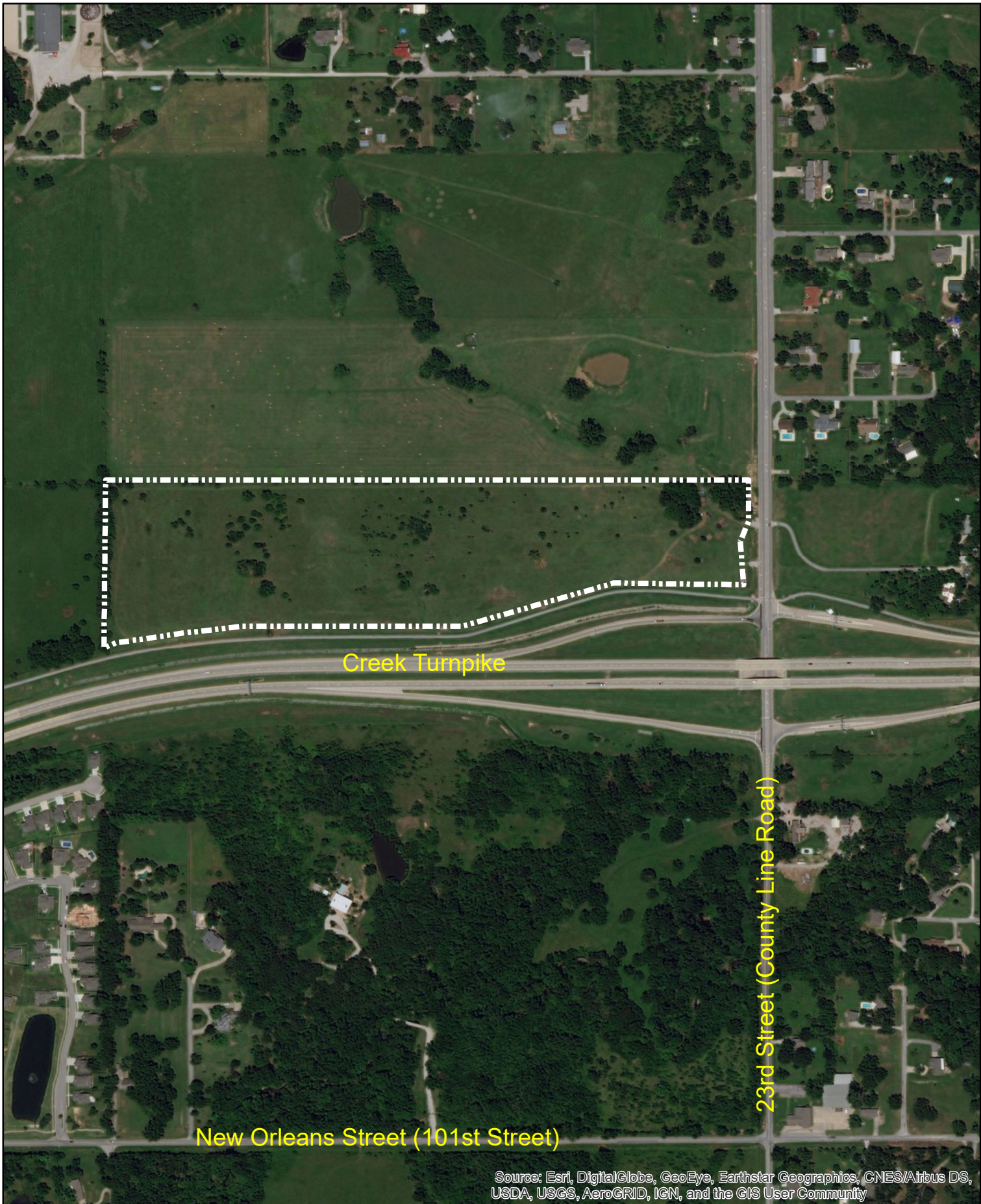


**LEGEND**

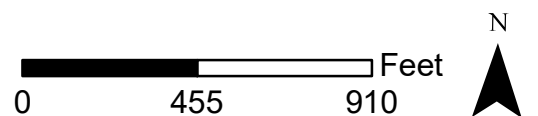
Broken Arrow Corporate Limits

Coweta Corporate Limits





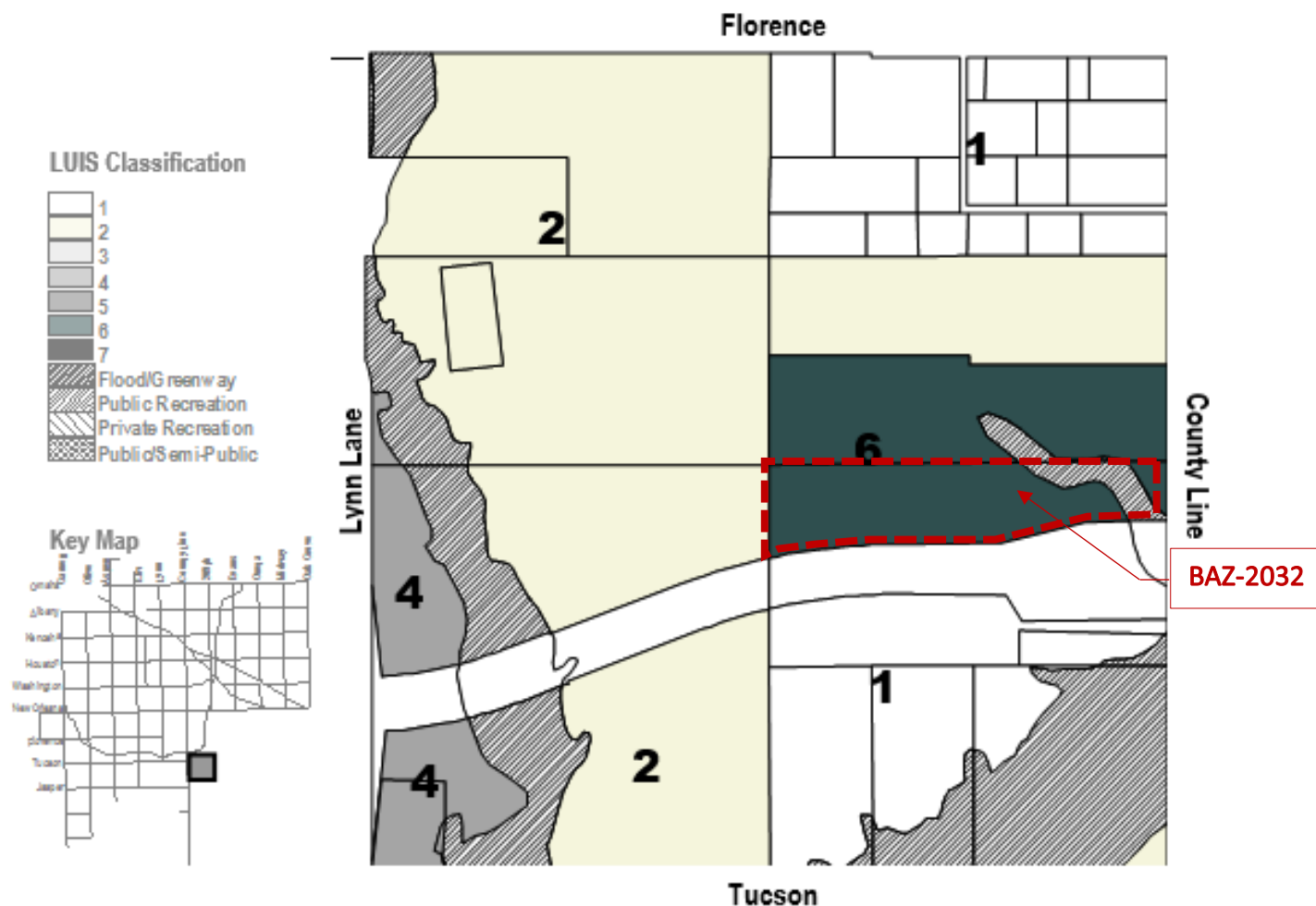
BAZ-2032  
Sommer Rezoning

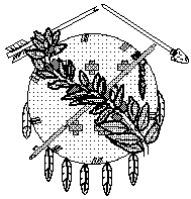




### Florence/County Line/Tucson/Lynn Lane (Section 36-18-14)

A Level 6 designation is proposed for tracts north of the proposed South Loop along County Line in anticipation of future interchange at the South Loop. This is to encourage economic development in Broken Arrow. Level 4 designations are proposed for tracts west and south of the floodplain based on the LUIS model, adjacent industrial uses and the proposed South Loop. Level 2 designations are proposed for remaining tracts in the northeast, southwest and northwest quarter sections that lie north of the proposed South Loop and are not in the floodplain. A Level 1 designation is given the north half the northeast quarter and the south half of the southeast quarter to reflect the intensity of existing development and based on the likelihood that this area will not development at more intense levels than those allowed by Level 1 in the future.





# City of Broken Arrow

## Request for Action

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**File #: 19-848, Version: 1**

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**Broken Arrow Planning Commission  
07-11-2019**

**To:** Chairman and Commission Members  
**From:** Development Services Department  
**Title:** Public hearing, consideration, and possible action regarding BACP-163 (Comprehensive Plan Change), Tidal Wave, 3.11 acres, Public/Semi Public to Level 6, south of the southeast corner of Houston Street (81<sup>st</sup> Street) and Elm Place (161<sup>st</sup> East Avenue)

**Background:**

**Applicant:** Jason Stidman  
**Owner:** Broken Arrow Public Schools  
**Developer:** Jason Stidman  
**Location:** South of the southeast corner of Houston Street (81<sup>st</sup> Street) and Elm Place (161<sup>st</sup> East Avenue)  
**Size of Tract** 3.11  
**Number of Lots:** 1  
**Present Zoning:** R-2 (Single-Family Residential)  
**Comp Plan:** Public/Semi Public

BACP-163 is a request to change the Comprehensive Plan designation on a 3.11-acre tract of land from Public/Semi Public to Level 6. Applicant is interested in rezoning the property from R-2 (Single-Family Residential) to CH (Commercial Heavy). CH is considered to be in conformance with the Comprehensive Plan in Level 6. The undeveloped property, which is located south of the southeast corner of Houston Street (81<sup>st</sup> Street) and Elm Place (161<sup>st</sup> East Avenue) is currently owned by the Broken Arrow Public Schools and was previously used a track area for the former elementary school to the north.

**SURROUNDING LAND USES/ZONING/COMPREHENSIVE PLAN**

The surrounding properties contain the following uses, along with the following development guide and zoning designations:

Location	Development Guide	Zoning	Land Use
North	Public/Semi Public	R-2/SP-240	Head Start

East	Level 2	R-2	Single-Family subdivision
South	Level 6	CH	Auto Zone
West	Level 4	CG-PUD-28A	Shopping Center

According to FEMA maps, none of the property is located in a 100-year floodplain area.

**Attachments:** Case map  
Aerial photo  
Comprehensive Plan

**Recommendation:**

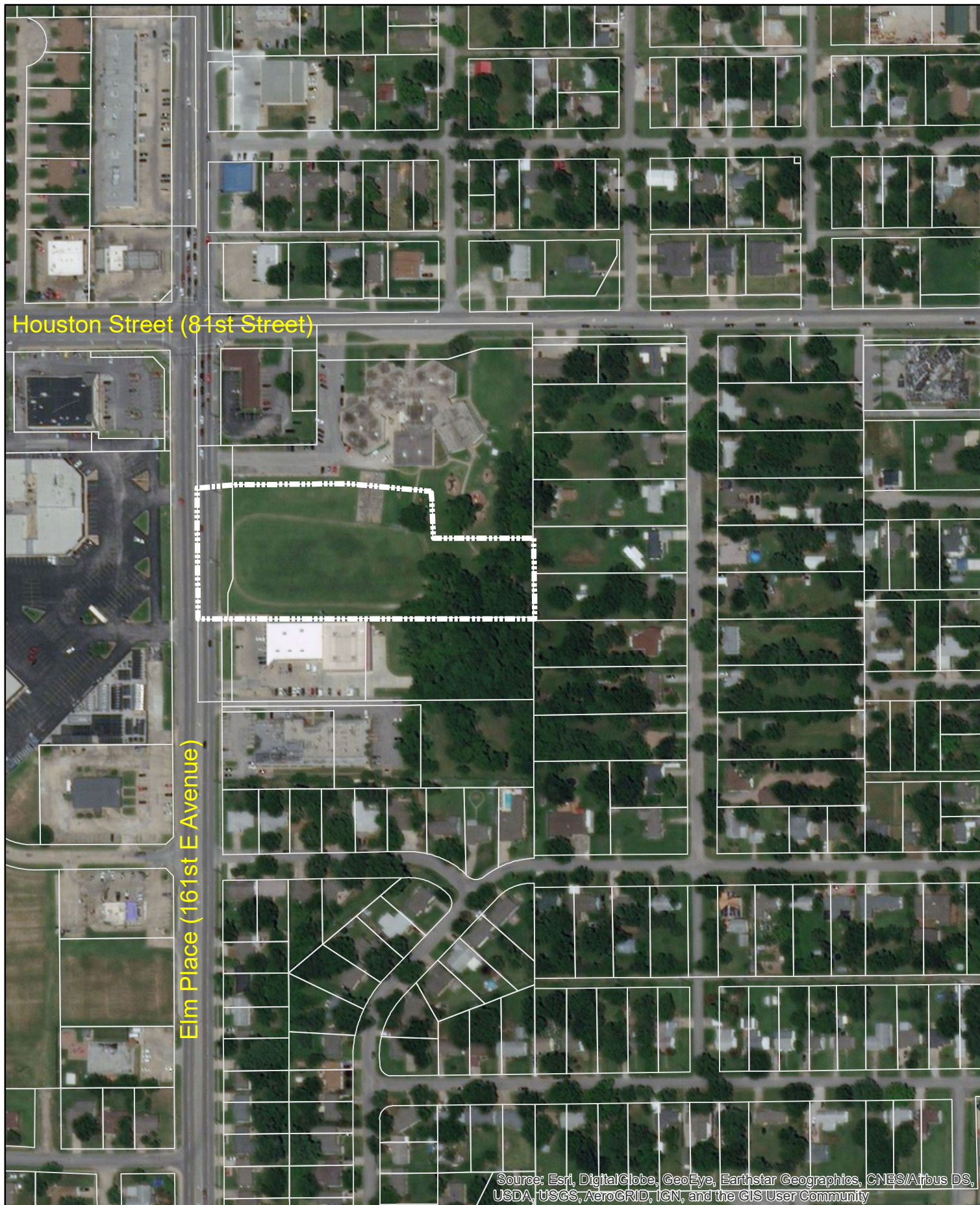
Staff recommends that BACP-163 be approved, subject to the property being platted.

**Reviewed and Approved By:** Larry Curtis

LRC: ALY





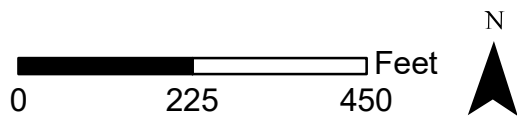


Houston Street (81st Street)

Elm Place (161st E Avenue)

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

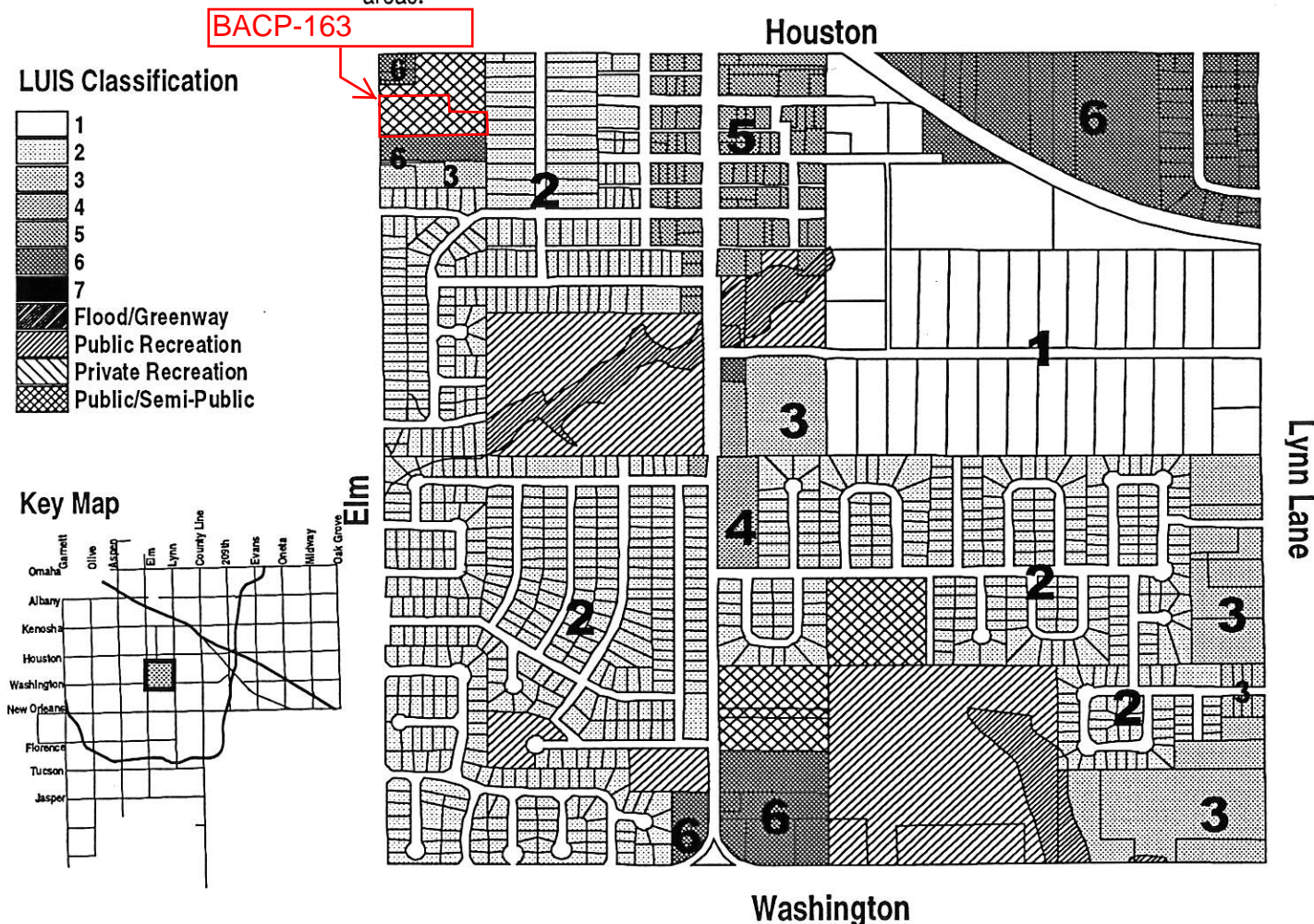
BACP-163  
Tidal Wave

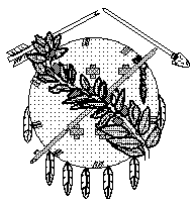




### Houston/Lynn Lane/Washington/Elm Place (Section 14-18-14)

A Level 6 designation is given to industrial tracts in the northeast corner north of the railroad. Level 6 designations are also given to the tracts in the northwest corner in accordance with existing land use and zoning. Level 6 designations are also given to corners at Main and Washington based on existing zoning and land uses. However, there are two tracts, one zoned RMH and one zoned R-1 that are normally not consistent with a Level 6 designation, but should be encouraged to rezone to an appropriate Level 6 district. Level 5 designations are proposed on tracts adjoining Main Street to encourage the continuation of the downtown district south to Veterans Park and Central Park. South of Veterans Park, a Level 4 designation is found along Main street to reflect existing land use and zoning. A Level 3 designation is proposed for the southeast corner based on existing zoning, the LUIS model and proximity to Arrowhead Park. Other Level 3 designations are found along Main Street to reflect existing land use and zoning and along Lynn Lane in the southeast quarter section to reflect existing land use, zoning patterns and the LUIS model. A Level 1 designation is proposed south of the railroad tracts and north of the Home Gardens subdivision based on development constraints caused by poor access and the Haikey Creek that traverses the area. A Level 1 designation is also given to the Home Gardens subdivision to reflect existing land use and zoning, even though such designation is not consistent with the LUIS model for urban areas.





# City of Broken Arrow

## Request for Action

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**File #: 19-755, Version: 1**

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**Broken Arrow Planning Commission  
Meeting of: 07-11-2019**

**Title:**

**Election of Planning Commission Chairman and Vice-Chairman for  
2019-2020**

**Background:**

Pursuant to the Planning Commission procedures, the Commission selects a Chairman and a Vice-Chairman annually. The Chairman will ask for nominations and the members of the Commission will respond. If only one person is nominated, a motion will be made to appoint the person nominated to serve as Chairperson.

The same procedure will be used to choose a Vice Chairman.

If more than one nomination is made for either position, each nomination will be voted on and a motion will then be made to appoint the person nominated.

Section 4-1 and 4-2 below of the bylaws provide the authority and responsibility of the Commission regarding officer election.

### ARTICLE IV - SELECTION OF OFFICERS

4-1. Officers of the Commission shall consist of a Chair, Vice-chair, and Secretary. The Chair and Vice Chair shall be elected by the membership. The Secretary shall serve at the request of the Commission. (Broken Arrow Code Section 2-118)

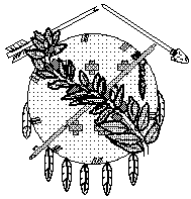
4-2. Nomination of officers shall be made from the floor at the first regular meeting each May. Election of officers shall follow immediately. A candidate receiving a majority vote of the entire membership shall be declared elected. (Broken Arrow Code Section 2-118)

**Attachments:** None

**Recommendation:**

Elect Chairman and Vice-Chairman in accordance with the Planning Commission procedures.

**Reviewed and Approved By:** Larry R. Curtis



# City of Broken Arrow

## Request for Action

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**File #: 19-850, Version: 1**

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**Broken Arrow Planning Commission  
07-11-2019**

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

**Title:** Consideration, discussion, and possible approval of Request to Appear forms and Guidelines for Planning Commission meetings

**Background:**

The City of Broken Arrow has specific guidelines when citizens wish to speak at a City Council meeting or before any other Boards or Commissions. Minor revisions were made to the Request to Appear form by the City Council on February 06, 2018. This form allows the City Council and members of the Boards or Commissions to recognize who is speaking at that time and allows the City to keep a log of who spoke at that specific meeting. These guidelines are to allow citizens to understand the process before approaching the Council, Boards or Commissions to speak.

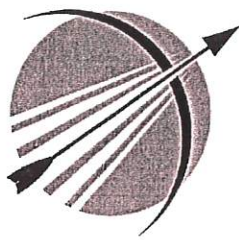
The Planning Commission needs to adopt the Request to Appear form and Guidelines

**Attachments:** Request to Appear Form and Guidelines

**Recommendation:** Approve the Request to Appear forms and Guidelines.

**Reviewed and Approved By:** Larry R. Curtis





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## Request to Appear Before the Board or Commission

(Please submit one form for each agenda item)

Date of Meeting: \_\_\_\_\_

Meeting: ☐ Board of Adjustments  
☐ Broken Arrow Municipal Authority  
☐ Broken Arrow Economic Development Authority  
☐ Broken Arrow Industrial Authority

☐ Convention and Visitors Bureau  
☐ Nuisance Abatement Public Hearings  
☐ Planning Commission  
☐ Other: \_\_\_\_\_

Name: \_\_\_\_\_ Day Time Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

☐ **Agenda Item Number/Letter** \_\_\_\_\_ (i.e.; 9B, 11C, etc.)

\_\_\_\_\_ I wish to speak **IN FAVOR** of this item.

\_\_\_\_\_ I wish to speak **IN OPPOSITION** to this item.

\_\_\_\_\_ I do not wish to speak; however, please record my \_\_\_\_\_ SUPPORT \_\_\_\_\_ OPPOSITION

☐ **Citizen's Opportunity to Speak:** This item is available to citizens to speak on any subject not on the agenda, but related to City business or services. However, by state law, no action may be taken on this topic at this meeting. It can be studied for a future report or action.

Topic of Discussion: \_\_\_\_\_

Supporting Materials: \_\_\_\_\_

**Return this form to the City Clerk prior to the beginning of the meeting.**



## *Welcome to the City of Broken Arrow*

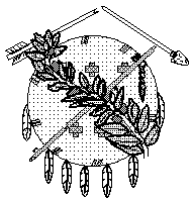
### **GUIDELINES IF YOU WISH TO SPEAK AT THE BOARD OR COMMISSION MEETING**

- ❖ For items on the Posted Agenda, please fill out a "Request to Appear Before the Board or Commission" form. The forms are available outside the City Council Chambers. Please turn in your form to the Clerk prior to the beginning of the meeting. Each speaker has up to three (3) minutes. The Chairman may set maximum time limits for posted agenda items.
- ❖ For items not listed on the agenda, but related to City business or services, you may speak to the Board or Commission under "Citizen's Opportunity to Address the Board or Commission." Please fill out a "Request to Appear Before the Board or Commission" form. The forms are available outside the City Council Chambers. Please turn in your form to the Clerk prior to the beginning of the meeting. Each speaker has up to three (3) minutes. Please be aware that state law prohibits the Board or Commission from taking action on items presented under this section of the agenda.
- ❖ If you want someone to speak for your group, please submit all forms completed by the group and the designated speaker(s).
- ❖ Applicants will have a maximum of ten (10) minutes to present testimony in favor of the request and an additional five (5) minutes for rebuttal if any opponents of the application have spoken. The Chairman reserves the right to extend the presentation time.
- ❖ City Staff members are a resource to the City Council and are present to answer questions and provide additional information.
- ❖ Chair Members may question a person addressing the Council.

If you do not want to address the Board or Commission, but would like it known that you are in favor of or in opposition to an agenda item, please mark the appropriate section on the "Request to Appear Before the Board or Commission" form.

### **WHEN YOU SPEAK**

- ❖ Speakers will be heard only upon recognition by the Chairman. Remarks shall be addressed to the Chair Members as a whole and not any individual Member. Please do not speak to the audience or to any individual in the audience.
- ❖ Adjust the microphone so that it is pointed at your mouth, speak clearly, and begin by stating your name and address.
- ❖ Limit your remarks to the allotted time limit. A light system in front of the City Clerk will help you pace your remarks. A green light stays on until you reach your final minute, when a yellow light comes on, please conclude your remarks. When the red light comes on, please stop and return to your seat.
- ❖ Please focus on new or unique information that other speakers have not covered.
- ❖ Comments should address the merits or problems of the issue. Personal attacks on previous speakers, or on the applicant, are generally not helpful. In any event, the speaker is responsible for the content of the speech.



# City of Broken Arrow

## Request for Action

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**File #: 19-851, Version: 1**

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### Broken Arrow Planning Commission

07-11-2019

**To:** Chairman and Commission Members

**From:** Development Services Department

**Title:** Consideration, discussion, and possible approval of modified time limits on the Request to Appear forms and Guidelines for Planning Commission meetings

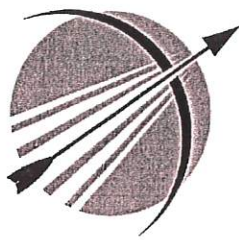
**Background:**

The City of Broken Arrow has specific guidelines when citizens wish to speak at a City Council meeting or before any other Boards or Commissions. Currently, the guidelines associated with the request to appear forms limits each speaker to three (3) minutes. Applicants have a maximum of ten (10) minutes to present their item and additional five (5) minutes for rebuttal. The chairman reserve the right to extend presentation times. The Planning Commission may choose to adopt these guidelines as written or modify/remove time requirements.

**Attachments:** Request to Appear Form and Guidelines

**Recommendation:** Adopt the Request to Appear guidelines as written or modify/remove time requirements

**Reviewed and Approved By:** Larry R. Curtis



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## Request to Appear Before the Board or Commission

(Please submit one form for each agenda item)

Date of Meeting: \_\_\_\_\_

Meeting: ☐ Board of Adjustments  
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☐ Broken Arrow Industrial Authority

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Topic of Discussion: \_\_\_\_\_

Supporting Materials: \_\_\_\_\_

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