



**City of Broken Arrow**  
**Minutes**  
**Planning Commission**

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

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

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**Thursday, July 14, 2016**

**5:00 PM**

**Council Chambers**

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**1. Call To Order**

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

**2. Roll Call**

**Present**    3 -    Mark Jones, Fred Dorrell, and Ricky Jones

**Absent**     2 -    Carlyne Isbell-Carr, and Lee Whelpley

**3. Old Business**

None

**4. Consideration of Consent Agenda**

Brent Murphy presented the Consent Agenda Items.

**A.                    Approval of Planning Commission meeting minutes of June 9, 2016**

Motion by Ricky Jones to approve Consent Agenda Items 4A (Planning Commission meeting minutes of June 9, 2016) and Item 4B (Planning Commission meeting minutes of June 23, 2016). The motion was seconded by Mark Jones.

**Aye:**        3 -    Mark Jones, Fred Dorrell, and Ricky Jones

**Absent:**    2 -    Carlyne Isbell-Carr, and Lee Whelpley

**B.                    Approval of Planning Commission meeting minutes of June 23, 2016.**

Motion by Ricky Jones to approve Consent Agenda Items 4A (Planning Commission meeting minutes of June 9, 2016) and Item 4B (Planning Commission meeting minutes of June 23, 2016). The motion was seconded by Mark Jones.

**Aye:**        3 -    Mark Jones, Fred Dorrell, and Ricky Jones

**Absent:**    2 -    Carlyne Isbell-Carr, and Lee Whelpley

## 5. Consideration of Items Removed from Consent Agenda

None

## 6. Public Hearings

### A. **Public hearing, consideration, and possible action regarding BACP 153, Kum & Go 837, 1.15 acres, ARS-1, Level 1 to Level 4, west of Oneta Road, north of State Highway 51**

Brent Murphy presented the background information for BACP-153, Kum & Go 837 by saying this application is a request to change the Comprehensive Plan designation on 1.15 acres from Level 1 to Level 4. He said this property is located west of Oneta Road, north of State Highway 51, and was recently annexed into the City Limits of Broken Arrow on July 5, 2016, via Ordinance No. 3438. At the time this property was annexed, it was assigned a zoning classification of ARS-1 (Annexed Single-Family).

Mr. Murphy said Kum & Go is in the process of constructing a new store immediately south of this property. With the acquisition of this property, to the north, they plan to expand the site and utilize both north and south tracts for a proposed new convient store for gasoline sales, diesel fuel sales and parking for trucks.

Brent Murphy said this property, associated with BACP-153, has been platted as part of Lot 9, Block 2, Prairie Dale and the covenants state that the property can only be used for single-family use. He said the applicant provided Staff a recorded copy of approvals from at least 60% of the property owners in the Prairie Dale Addition today, per the requirement, to amend the covenants to delete this statement from the covenants.

Mr. Murphy said per the site plan submitted with BACP-153, an 8-foot-high fence will be built along the north, as well as the east boundary and along the west boundary that is adjacent to the residential area to the east.

Brent Murphy said based on the location of the property and the proximity to Highway 51, Staff recommends that BACP-153 be approved to change the Comprehensive Plan designation on the property from Level 1 to Level 4, subject to the property being platted, and subject to the covenants being modified in accordance with State law to allow commercial use on the property. He said as previously stated, the covenant modification has been recorded in the county and Staff received a copy on today's date. In addition, a PUD must be submitted that is similar in context to the draft PUD submitted with BACP-153.

Fred Dorrell asked if the applicant is present.

Cameron Smith, Olsson & Associates, 550 St. Louis Street, Springfield, MO 65806 said they are in agreement with Staff and have recorded the partial vacation of plat to remove lot 9 from the Prairie Dale Subdivision. He said this application, for the comprehensive plan change, is the next step in the development process. If this

application is approved, they will submit a rezoning and PUD request and then plat the property. He said the current store is under construction and this application is for the expansion they refer to as, Phase II, which will add to the rear side of the building.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on this item, BACP-153. No one responded. Mr. Dorrell closed the public hearing.

Ricky Jones said the landscaping appears to be a good buffer and should protect the residential area to the north and to the west.

A motion was made by Ricky Jones to approve BACP-153, per the Staff report. The motion was seconded by Mark Jones.

After the vote, Fred Dorrell said this item will be heard by City Council on August 2, 2016, at 6:30 p.m.

**Aye: 3 - Mark Jones, Fred Dorrell, and Ricky Jones**

**Absent: 2 - Carolyn Isbell-Carr, and Lee Whelpley**

**B. Public hearing, consideration, and possible action regarding BAZ 1959, The Oaks Off Main, 0.96 acres, R-3 to DM, north of Commercial Street between Cedar Avenue and Birch Avenue**

Brent Murphy presented the background for BAZ-1959 saying this a request to change the zoning designation on a 0.96-acre tract from R-3 (Single-Family Residential) to DM (Downtown Mixed-Use Core). The undeveloped property, was platted as part of the Original Town of Broken Arrow, and is located north of Commercial Street between Cedar Avenue and Birch Avenue. All the previous structures on the property have been removed.

Mr. Murphy said the applicant is interested in constructing “Brownstone” type single-family attached dwellings. Per the conceptual drawings submitted by the applicant, 16 two and three story dwelling units are proposed.

Brent Murphy said this application was reviewed and approved by the Downtown Residential Coordinating Committee and the Downtown Advisory Board. Based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that BAZ -1959 be approved as requested. He said the applicant is interested in developing “Brownstone” type single family attached housing units on the property; however, any of the uses allowed in the DM district are permitted with this rezoning request. The said this property is Level 5 and DM zoning is in accordance with the Comprehensive Plan. Since this property is not part of a PUD, development of the site will be in accordance with the DM regulations of the Zoning Ordinance.

Fred Dorrell asked for the applicant to step to the podium.

William Leet, Managing Member, Primus Properties, 919 W. Elmira Street, Broken Arrow said they have seen the Staff report and are in agreement to Staff recommendations.

Fred Dorrell opened the public hearing for Item 6B, BAZ-1959 and asked if anyone wished to speak on this item.

Mark Johnson, 221 West Commercial, Broken Arrow said this is a residential area and asked why the zoning needs re-defined as mixed use if the use is residential. He voiced concern that this property will be developed in the future as business use.

Farhad Daroga said the Comprehensive Plan allows mixed-use for the location of this property which allows multi-story units, including Brownstone residential attached and detached units. He said for the applicant to be permitted for this type of density use, with adequate parking, they must have Downtown Mixed Use zoning. The R-3 zoning, that the property is currently zoned, requires side yards, backyards and front yards for housing that is more typical of one and two-story buildings only. He said for this type of use, zoning must change.

Mr. Daroga said the applicant is proposing owner-occupied, single-family homes that are multi-level. The zoning category allows buildings to be higher; however, the applicant is proposing 2 and 3 stories.

Ricky Jones asked if Mr. Johnson was ok with residential and was just opposed to commercial or non-residential. Mr. Johnson said yes.

Fred Dorrell closed the public hearing.

A motion was made by Mark Jones to approve BAZ-1959, per Staff recommendations. The Motion was seconded by Ricky Jones.

After the vote, Fred Dorrell said this item will be heard by City Council on August 2, 2016, at 6:30 p.m.

**Aye: 3 - Mark Jones, Fred Dorrell, and Ricky Jones**

**Absent: 2 - Carolyn Isbell-Carr, and Lee Whelpley**

**C. Public hearing, consideration, and possible action regarding PUD 250, Sonic Drive In on Elm Place, 0.73 acres, CG/PUD 3, west of Elm Place, north of the northwest corner of New Orleans Street and Elm Place**

Brent Murphy presented the background for Planned Unit Development (PUD)-250, Sonic at Vandever Acres by saying this involves 0.73 acres, located north of the northwest corner of New Orleans Street and Elm Place. This property is zoned CG and is a part of PUD-3 and has been platted as a part of Lot 5, Block 1 of Vandever Acres Office Park. The property was split into its current configuration with lot split, BAL-333 that was approved by the Planning Commission on January 22, 1981. First National Bank has had a branch bank on this property. Sonic is interested in purchasing the property, removing the existing buildings, and constructing a new drive-in restaurant on

the property.

Mr. Murphy said PUD-3 was approved by the City Council on January 17, 1977, with an underlying zoning of O-2 (Planned Office Park District) and is the current zoning on this property. With PUD-3, the previous development was going to be primarily for office buildings, and the PUD was done to reduce the minimum lot size requirements. In 2008, when the Zoning Ordinance was updated, all the O-2 zoning classifications were changed to CG (Commercial General). Therefore, the underlying zoning on this property was changed to CG. While a drive-in restaurant is a permitted use in the current CG district, PUD-3 appeared to be established for primarily office type uses. Consequently, Staff has advised, and the applicant has agreed, to submit a new PUD application.

Brent Murphy said when the property was platted, only 50 feet of right-of-way was dedicated on Elm Place. Today's regulations require 70 feet of right-of-way and a 17'5" utility easement. According to the plat, a mutual access is permitted to and from all lots in the Vandever Acres Office Park. This property is designated Level 4 in the Comprehensive Plan and the current zoning designation of CG, along with PUD-250 are considered to be in accordance with the Comprehensive Plan. Therefore, based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-250 be approved as submitted, with the following conditions: 1. Provide an 8-foot-tall screening fence on the north property line. He said the applicant informed Staff that they are in agreement with this requirement. 2. All canopy structures to be outside any utility easements and the applicants are in agreement with this requirement also.

Brent Murphy said the applicant submitted a revised site plan right before this meeting started and copies were passed out to all Commission members. Staff can recommend that replatting be waived provided 10 feet of additional right-of-way is dedicated by separate instrument along Elm Place along with a 17.5-foot wide utility easement.

Fred Dorrell asked if the applicant would step forth to the podium.

Andrew Shank, Eller & Detrich, on behalf of the applicant, Sonic, 2727 E. 21st Street Tulsa said covered all the pertinent points. He said he wanted to address "Exhibit E", the drawing that was handed out to the Commission. He said Sonic engaged in several conversations with surrounding property owners to address any concerns about the re-development and the result of those discussions is this revised conceptual site plan (being presented).

Mr. Shank said the property owner immediately to the west of this property, owned by Roland Investments, Ltd., represented by Mr. Larry Taylor, want to make sure they have adequate access from their property to South Elm Place. Uniquely, this is a land-locked piece, within this PUD, and will benefit from this mutual access easement of this plat, in order to get to Ithica, to the north. He said Sonic revised the Site plan to show a curb cut at the southwest corner, along with the existing curb cut on the northwest corner of the property to ensure Roland Investments, Ltd. access to and from Elm. Mr. Roland supports our application.

Andrew Shank said, per discussions with Dr. McAlister and his council, who own the property north and west of this property, a proposed speed bump has been added to the site plan to address their concerns with increased traffic coming across the mutual access easements on the plat. In addition, a way finding sign has been added at this curb

cut, directing Sonic traffic toward Elm. He said Dr. McAlister and his Council, Steven Bully are in agreement with these changes.

Mr. Shank said to the north of the property is Dr. Susman's property who has floor to ceiling windows and asked for a screening fence along the north property line. Mr. Shank said Sonic agreed to this request which will be an 8-foot screening fence that will run the north line of Sonic's property to their last parking stall on the east, approximately 20 feet from his building edge.

Andrew Shank said they request approval of this application with the revised sign standards to allow a way finding sign on the northwest side of the property and the addition of a screening fence on the north property line.

Ricky Jones asked Staff to point out the way finding sign on the revised conceptual site plan. Andrew Shank said it is not shown on the drawing; however, is shown in the development standard text. Ricky Jones asked if "A" in the northeast corner is a sign. Mr. Shank said it is a monument sign, and is shown in the text with a line for wayfinding signs.

Fred Dorrell asked if Staff is ok with the revised Conceptual Site plan presented. Brent Murphy said yes, Staff recommended the 8-foot screening fence.

Fred Dorrell opened the public hearing item for 6C. and asked if anyone wished to speak on this item.

Steven Bully, 2494 West New Orleans, Broken Arrow, representing Vandever Acres Medical Center, located north and west of this property, said they have concerns regarding the traffic that will travel through this area. He said they are concerned for the safety of their residents and visitors who come in and out of their facility, many who are in wheelchairs. He said, with the concession of installing a speed bump and way finding sign, they are ok with this; however, may want to re-visit this topic in three to six months or one year from now, if the traffic seems excessive. If so, they may want to work out access to the property to the west.

Ricky Jones asked if the PUD requires mutual access to the other lots. Brent Murphy said the existing plat has mutual access easements. Ricky Jones said if the traffic becomes a problem, Staff will discuss and work with them on this issue while at the same time, there's mutual access to all of the lots. Andrew Shank said if they had issues they understand they would have to do a major amendment and notify surrounding property owners.

Fred Dorrell asked if anyone else wished to speak on this item, PUD-250. No one responded. Mr. Dorrell closed the public hearing. He asked if the applicant had anything more to add. Andrew Shank said no.

A motion was made by Ricky Jones to approve PUD-250, per Staff recommendations and per the amended Site Plan sheet C-2.0 submitted to Staff. The motion was seconded by Mark Jones.

Fred Dorrell said, after the vote, this item will be heard by City Council on

August 2, 2016 at, 6:30 p.m.

**Aye: 3 - Mark Jones, Fred Dorrell, and Ricky Jones**

**Absent: 2 - Carolyn Isbell-Carr, and Lee Whelpley**

**D. Public hearing, consideration, and possible action regarding PUD 251, Land Run Brands, 0.48 acres, DM, southwest corner of Jackson Street and Main Street at 904 S. Main Street**

Brent Murphy presented the background for this item saying, Planned Unit Development (PUD)-251 involves 0.48 acres located on the southwest corner of Jackson Street and Main Street at 904 S. Main Street. This property has been platted as, Lots 1-3, Block 13 Fears Addition, and is zoned DM, Downtown Mixed Use. There is an existing one-story building on this property that was originally built as a grocery store.

Mr. Murphy said the applicant purchased this property and wants to expand the existing building to the north. In the DM district, buildings are required by the Zoning Ordinance to be at least two-stories in height and cover at least 50% of the lot. The existing building and the proposed expansion are one-story in height. The applicant would like to keep the existing zoning; however, be allowed to expand the building while keeping it one-story in height. The proposed expansion is approximately 4000 sq. ft., north of the existing building, within the existing paved area.

Brent Murphy said this property is Level 5 in the Comprehensive Plan and DM zoning is in accordance with this plan. He said this application was reviewed by the Downtown Advisory Board and they recommended approval of PUD-251. He said based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-251 be approved, as presented. Since the property is already platted, Staff recommends platting be waived.

Fred Dorrell asked the applicant to step to the podium.

Daniel Housley, 27250 E. 41st Street, Broken Arrow said he is in agreement with Staff recommendations. He said Staff has been great to work with and they look forward to being downtown.

Ricky Jones asked, for curiosity purposes only, what items will be sold. Mr. Housley said they have several e-commerce businesses that sell outdoor equipment, i.e. flashlights, tactical gear. Most is online. Ricky Jones asked if they sell items that people can walk in and purchase. Mr. Housley said the store is not the proper store-front at this time.

Fred Dorell opened the public hearing and asked if anyone wished to speak on this item, PUD-251. No one responded. Fred Dorrell closed the public hearing.

A motion was made by Mark Jones to approve PUD-251, per Staff recommendations. The motion was seconded by Ricky Jones.

After the vote, Fred Dorrell said this item will be heard by the City Council on August 2, 2016, at 6:30 p.m.

**Aye: 3 - Mark Jones, Fred Dorrell, and Ricky Jones**

**Absent: 2 - Carolyn Isbell-Carr, and Lee Whelpley**

## **7. Appeals**

None

## **8. General Commission Business**

### **A. Discussion regarding a proposal to create a new Single-Family Residential Zoning District, to be known as, RS-4, Single-Family Residential-4**

At 5:28 p.m., Farhad Daroga said Staff requests that this discussion item be tabled. He said Staff will come back within one-month with more information and details. This topic was discussed previously with the Commission and between this meeting and the last, no new information has been added.

Fred Dorrell asked if this item requires a motion. Farhad Daroga said no, this item is for discussion only.

Fred Dorrell continued with the meeting and moved on to item 9 on the agenda.

At 5:33 p.m., Michael Skates said he thought Item 8A, RS-4 Zoning was going to be heard tonight. Farhad Daroga said the item was being tabled. Ricky Jones said he did not know the item was being tabled. Fred Dorrell said the Commission asked for more information and Farhad was saying Staff would come back with answers to those questions.

Michael Skates said it was discussed at the last meeting and wanted the Commission's feedback, if not Staff would like to prepare with the Public Hearing. He said there is a lot of leg work that must be done to identify the different areas this zoning district will affect within the zoning code. The RS-4 is a great change that will be a great tool to the development community and will hopefully reduce the number of PUD's submitted as a purpose to offset the RS-4 function.

Mr. Skates said this item should be advertised to the public, then presented to the Commission as a public hearing item in approximately 30 days. He said it would then be heard by City Council for final approval.

Mark Jones asked if the Commission must make a motion for this to occur. Michael Skates said not necessarily. He said Staff needs to know if the Commission has any questions or comments.

Fred Dorrell said this item was discussed at the last meeting and Lee Whelpley and he had some questions for comparisons and clarity in order to allow intelligent discussion to take place on this item.

Michael Skates said he did not recall what the questions or concerns were. He said this is a request to add another zoning category in Level 2, that would be residential known as, RS-4 with a 6,000 square foot lot minimum. The primary change would be to reduce the front setback from 25 feet to 20 feet. He said currently developers that want the reduced setback must submit a PUD, which triggers an automatic 3,000 square foot landscaped green space. Some developments may be able to accommodate that requirement because they have large open spaces and reduce the 3,000 square feet down; however, some developments cannot do that. Those that can not make the



adjustment are faced with a hardship put directly on the potential homeowner who built the house, with a driveway, deck and sidewalk (all that get counted toward impervious area or non-green space). They then submit an application, to the City, for a pool or other type of development in their yard and Staff must deny the application because they exceed the 3,000 square foot minimum requirement.

Michael Skates said this hardship led Staff to create a RS-4 zoning category. Staff researched other cities and some have RS-4 zoning that are much smaller than the RS-4 proposed. The RS-4 would reduce 500 square feet with a minimum of 55 feet of frontage. He said the RS-4 is an option to reduce some of the PUD's that are heard by the Commission. Previous PUD's, that required greenspace, some may be 2,500 instead of 3,000. He said there are likely several PUD's that were approved and Staff inadvertently issued permits on these properties not realizing there was a 3,000 square foot green space requirement. The City does not want to unknowingly create a hardship for potential homebuyer's that are unaware of this requirement.

Fred Dorrell said he understood the green space requirement. He said developers develop a property, sell it and then they are gone, leaving the new owner with an odd shaped lot. The Commission had questions such as to how the RS-4 would impact such a thing as an odd shaped lot or Homeowner's Associations. There are some advantages to RS-4 and a homeowner can bypass a PUD. He said he had concerns and asked what might be the disadvantages of RS-4.

Michael Skates said he was at the last meeting and did not recall the questions, he thought they were answered. He said this item can be brought back to the Commission at the next meeting. He will listen to the meeting video, of the last meeting, and write down the questions that were asked and come back with specific answers.

Fred Dorrell said he is not trying to delay the discussion; however, is curious if there is more information. Michael Skates said he thought Staff did that.

Mark Jones asked if these type of questions can be addressed and still allow the process to move forward. Michael Skates said yes, if there are specific questions. He said he did not know how they would address an odd shaped lot.

Mark Jones said the concern is that a PUD will require specific fencing, landscaping and things of that nature and in an RS-4 it won't. He said most developers are going to take in account the value of their property and will not move forward with their project without some aesthetically pleasing process being considered.

Michael Skates said if someone builds to the current PUD standards, it is set up to help developments with things in the zoning code that don't necessarily fit for that development. He said PUD's are give and take and are, in some ways, crafting a new zoning for the specific development from setback, entrances and fences. The City has one of the better zoning codes in the region as far as following actual zoning requirements. Developments that fit in these categories would not have to have a PUD and follow zoning standards. Some can develop with straight zoning standards and meet the requirements such as fencing and other parameters. A PUD will not change those parameters.

Fred Dorrell asked if the RS-4 standards would be set forth in such a manner that a PUD would not be necessary, depending on the area.

Michael Skates said, all of the residential zoning categories allow developers options to

develop with straight zoning or apply for a PUD for specific reasons or a relief from current standards or zoning requirements. Mr. Skates said, in similar fashion, the Sonic PUD, although it is not a subdivision, had a PUD that they modified, for specific reasons. They could not do those modifications with straight zoning. The Land Run PUD is another example. Without the PUD they cannot have DM zoning. He said sometimes, in a residential development, they cannot meet the requirements in the zoning code and they must follow the zoning code or request a PUD. PUD's help to offset many things and dimensions such as signage, setbacks and fencing, within the development.

Fred Dorrell said there is no need to hold up the item further.

Michael Skates said he will look at the last Planning Commission meeting and will read and listen to questions posed by Fred Dorrell and any other Commission members and provide responses to the Commission members.

Fred Dorrell said some questions were voiced after adjournment. Michael Skates said items discussed after the meeting would not be recorded and he would not be able to hear them. Mr. Skates said since Mr. Dorrell did not speak directly to him, he would not know what the questions were.

Michael Skates said if there are other questions, he would be happy to answer them or provide information.

Discussion ended and roll call was done for adjournment.

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

Farhad Daroga introduced the City's new Staff Planner, Amanda Yamaguchi. He said she just started and has taken over the vacant position created by Marcae Hilton. She has two master's degrees - one in Urban Design, from the University of Oklahoma as well as, one in Library Sciences.

#### **10. Adjournment**

1st Motion by Ricky Jones at 5:33 to adjourn. The motion was seconded by Mark Jones.

Staff asked if there was something to add. Michael Skates inquired about Item 8A, RS-4 discussion and said he did 1st Motion by Ricky Jones at 5:33 to adjourn. The motion was seconded by Mark Jones.

Staff asked if there was something to add. Michael Skates inquired about Item 8A, RS-4 discussion and said he did not think this item was being tabled. The Commission and Staff discussed this item further.

2nd Motion by Ricky Jones to adjourn at 5:41p.m. The motion was seconded by Fred Dorrell and Mark Jones. Roll call was made.