



City of Broken Arrow
Minutes
Planning Commission

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

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

Thursday, June 8, 2017

5:00 PM

Council Chambers

1. Call To Order

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

2. Roll Call

Present 4 - Mark Jones, Fred Dorrell, Ricky Jones, and Lee Whelpley

Absent 1 - Carlyne Isbell-Carr

3. Old Business

None

4. Consideration of Consent Agenda

Staff Planner, Amanda Yamaguchi presented the background for the Consent Agenda Items and said the applicant for Item 4C is present and in agreement with the Staff report.

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

A. Approval of Planning Commission meeting minutes of May 11, 2017

MOTION: by Ricky Jones to Approve Items 4A, B and C, per Staff recommendations. The motion was seconded by Mark Jones.

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

B. Approval of Planning Commission meeting minutes of May 25, 2017

MOTION: by Ricky Jones to Approve Items 4A, B and C, per Staff recommendations. The motion was seconded by Mark Jones.

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

C. Consideration and possible action regarding PT15-117A-1, Conditional

Final Plat, Ninety-One - Phase 2, 68 lots, 18.20 acres, A-1 to RS-3, one-quarter mile north of Washington Street and one-quarter mile east of 9th Street

MOTION: by Ricky Jones to Approve Items 4A, B and C, per Staff recommendations. The motion was seconded by Mark Jones.

Lee Whelpley said he forgot to say, Item 4C will be heard by City Council on July 3, 2017 at 6:30 p.m.

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

5. Consideration of Items Removed from Consent Agenda

None

6. Public Hearings

A. Public hearing, consideration, and possible action regarding BAZ-1981 (rezoning), Tenison Property, 0.36 acres, R-2 to ON, north of Kenosha Street, one-half mile west of Elm Place at 1001 N. Highland Drive

Senior Planner, Brent Murphy presented the background for BAZ-1981 is a request to change the zoning designation on a 0.36-acre parcel from R-2 (Single-Family Residential) to ON (Office Neighborhood). The property, which has been platted as a part of Kenwood Addition, is located north of Kenosha Street, one-half mile east of Elm Place at 1001 N. Highland Drive. There is an existing single-family detached residential structure on the property. No information has been submitted as to what type of office use is proposed. All of the property in the Kenwood Addition is zoned R-2.

Mr. Murphy said the plat for Kenwood Addition was recorded in Tulsa County in 1948 and according to the covenants that were recorded with the plat, "All lots in said addition shall be known and described as residential lots and no structure shall be erected on any residential lot other than one detached single family dwelling not to exceed two stories in height with not more than a two car garage." No information has been provided to Staff acknowledging any modification to the private covenants.

He said when the plat for Kenwood Addition was recorded in Tulsa County in 1948, 50 feet of right-of-way was provided from the section line and no utility easement was provided at that time. According to today's Subdivision Regulations, 60 feet of right-of-way is required along a primary arterial street such as Kenosha Street along with a 17.5-foot utility easement.

Mr. Murphy said the property is designated as Level 2 in the Comprehensive Plan. ON zoning is identified as being in conformance with the Comprehensive Plan in Level 2 when it is located adjacent to an arterial street such as Kenosha Street. However, the Comprehensive Plan also states, "None of the traffic from the ON area shall utilize roads that pass through a single-family residential area prior to reaching an arterial street." Highland Drive, which this property fronts on, is a residential street and there is a

single-family detached residential unit to the west across the street. So, access to this property will be on a residential street through a residential neighborhood and there is not enough frontage onto Kenosha Street to meet the zoning separation requirements and there would be no access to Kenosha Street. Using a residential street to access ON property in Level 2 is not considered to be in accordance with the Comprehensive Plan.

Brent Murphy said Highland Drive is a residential street with single-family residential directly across the street to the west and to access the property, associated with BAZ-1981, drivers must pass through a single-family residential area which is not in conformance with the Comprehensive Plan. As a result, the ON zoning being sought with BAZ-1981 is not considered to be in accordance with the Comprehensive Plan. In addition, according to the covenants, the lots in Kenwood Addition can only be used for single-family detached residential lots. While the City of Broken Arrow cannot enforce private covenants, the zoning on the property needs to coincide with the covenants. Since the rezoning request is not in compliance with the Comprehensive Plan and is not allowed by the private covenants, Staff recommends that BAZ-1981 be denied. He said Staff has provided provisions and if the Planning Commission is inclined to approve BAZ-1981 there are some items Staff recommends as part of such approval.

Mr. Murphy said Staff met with the applicant yesterday and discussed the Staff report and why Staff was recommending denial.

Lee Whelpley asked if the application would step to the podium and state their name and address for the record.

Jason Tenison, 1001 N. Highland Drive, Broken Arrow said the biggest issue for wanting to zone this property for office use is noise. He said across the street from his property is a garage and he hears an electric torque wrench at 6 or 7 in the morning every morning. He said there is a stop light caddy corner from his house and every time a loud motorcycle has to start and stop, or two sports car wanting to race he can hear it whether it be one in the afternoon or one in the morning. He said, in addition, there is a fire department that is 200 yards away and anytime there is an emergency in Broken Arrow it can be heard at his house. He said he must give renter's a disclaimer that his property is loud and renters do not want to stay at this property very long.

Mr. Tenison said when he goes to sale the property he will provide a disclaimer that the area is loud. He said there are only six houses on Kenosha and his is one of them. The house was built in 1948 and at that time it probably was not very loud in the area. He said he has yet to find a buyer, with a child (children) and or pets who wish to purchase his home because of Kenosha Street being such a busy street and the safety concerns.

Mr. Tenison said he is trying to sell the house but with difficulty. He said he can deal with the noise; however, he does not want to make his future wife deal with the noise. He was hoping to rezone the property to commercial help sale it so they can move to a

quieter place.

Fred Dorrell asked how rezoning will help solve Mr. Tenison's problems.

Jason Tenison said it would help solve the issue of the noise. If the property was an office unit, people won't hear the noise (late at night) because they won't be working. He said currently loud trucks can be heard at 11 p.m. and so on. If the property were to be an office unit, no one would be there at late hours so it would be quiet and when he lists the property for sale he will have a clean conscience because he will provide a full disclaimer that it is a loud place.

Ricky Jones asked for clarification if the application is for commercial or office neighborhood. Mr. Tenison said he misspoke and the application is for office.

Ricky Jones asked if the basis for the ON zoning is for noise and convenience. Jason Tenison said yes.

Lee Whelpley opened the public hearing for Item 6A, BAZ-1981 and asked if anyone would like to speak to this issue.

Galyn Pence, 1039 N. Kenwood Avenue said he lives one block north of the proposed zoning. He said they have lived at this property for 30 years and when this area was platted, Kenosha was a state highway and has always had noise. He presented a petition to the Commissioners with signatures of 45 residents from the surrounding area of the rezoning request. He said they support the Staff's recommendation of denial, based on the covenants of the neighborhood. He asked how many in the audience were in opposition of BAZ-1981. A majority of audience members raised their hands.

Ricky Jones said, for the record, he worked with Galyn a number of years ago at INCOG and does not feel there is any relationship or anything that would sway his decision in voting on this item. They worked together in the past and have not seen each other in years.

Lee Whelpley asked if anyone else wished to speak regarding BAZ-1981. No one responded. Mr. Whelpley closed the public hearing. He asked Mr. Tenison if he would like to provide a rebuttal. Mr. Tension indicated he would not.

MOTION: by Fred Dorrell to deny BAZ-1981, as recommended by Staff. The motion was seconded by Mark Jones.

After the vote Brent Murphy addressed the Chairman and said Staff advised the Applicant that he has 15 days to file an appeal, should he choose, and if that were to occur then public notices would be sent out to the surrounding property owners.

Lee Whelpley said this item will not be heard by City Council unless it is appealed.

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

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

Nay: 1 - Carolynne Isbell-Carr

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B. Public hearing, consideration, and possible action regarding BAZ-1982 (rezoning), Clintco Properties LLC, 0.73 acres, CH and R-3 to DM, northwest corner of El Paso Street and First Street and the southwest corner of El Paso Street and First Street

Brent Murphy presented the background for Item 6B. saying, BAZ-1982 is a request to change the zoning designation on two properties from CH (Commercial Heavy) and R-3 (Single-Family Residential) to DM (Downtown Mixed-Use Core). One parcel, which is located on the northwest corner of El Paso Street and First Street, is presently zoned CH. An empty metal building is located on this parcel. The other property, which is located on the southwest corner of El Paso and First Street, is zoned R-3. This property was most recently used as a church. The buildings on the property are currently empty.

Mr. Murphy said, with BAZ-1982, applicant is requesting that the zoning on both properties be changed to DM. No information has been submitted regarding any proposed use. The property has been platted as part of the Original Town of Broken Arrow and is designated as Level 5 in the Comprehensive Plan. In Level 5, DM zoning is identified as being in conformance with the Comprehensive Plan. Therefore, based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that BAZ-1982 be approved. Since the property is currently platted, Staff recommends that platting be waived; however, there is an alleyway between several lots and the status of the alleyway needs to be confirmed prior to any new buildings being built on the property. The alley has never been paved but was still platted as an alleyway. If the building is going to be used for commercial purposes, it will need to be brought up to current commercial codes.

Ricky Jones asked if the Downtown Advisory Board has heard this case.

Brent Murphy said the DAB has not heard the case yet, they will hear the case on June 13th then it will go to City Council.

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

Ernest Redwine, 821 Millwood Road, said he is in agreement with Staff recommendations.

Lee Whelpley opened the public hearing and asked if anyone wished to speak on this item, Item 6B, BAZ-1982.

Darren Gantz, 2004 W. 120th Street, Jenks, Ok said his Father-in-law owns the property right next to this property and received a notice that his property was going to be changed. He said they wanted to clarify which property was going to be re-zoned. JD Hunt, 102 N. 18th Place, Broken Arrow said the drawing show to the Commission did not show his property.

Ricky Jones said the letter he received was probably a public notice and it was not for Mr. Hunt's property. Mr. Jones said that a re-zoning would not occur unless an application was made. A case map drawing was shown on the screen to clarify. Mr. Gantz and Mr. Hunt understood it was not their property being rezoned.

Lee Whelpley asked if anyone else wished to speak on this item. No one responded. Mr. Whelpley closed the public hearing.

MOTION by: Ricky Jones to approve BAZ-1982, per Staff recommendations. The motion was seconded by Mark Jones.

After the vote, Lee Whelpley said BAZ-1982 will be heard by City Council on July 3, 2017 at 6:30 p.m.

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

C. Public hearing, consideration, and possible action regarding SP-279 (Specific Use Permit), Union Peters Elementary, 10.34 acres, R-1, one-half mile south of Kenosha Street, one-quarter mile east of Olive Avenue

Staff Planner, Amanda Yamaguchi presented the background information for Item 6C saying, SP-279 is a request for a Specific Use Permit for a new electronic sign to replace the existing school sign at Peters Elementary School. The property, which contains 10.34 acres, is located approximately one-half mile south of Kenosha Street, one-quarter mile east of Olive Avenue.

Peters Elementary School is located in a residentially zoned district. The Specific Use Permit for the school, SP-11, was approved by City Council on May 1, 1978.

The SP-279 is being requested to allow the sign to have an illuminated LED board on a monument style base. The overall sign dimensions are approximately 8-feet in height and approximately 10.5 feet in width. The LED display portion of the new sign being proposed is approximately 2 ½ feet in height and approximately 8 ½ feet in width, with an estimated display area of 24-feet.

Illuminated signs are permitted in residential districts, as part of an institutional use, such as a school, with a Specific Use Permit. SP-279 is therefore in accordance with the comprehensive plan and zoning ordinance.

Based on the location of the property, and the surrounding land uses, Staff recommends that SP-279 be approved and that platting be waived.

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

Laith Nabils, KKT Architect, 2200 S. Utica, said they are in agreement with Staff recommendations.

Lee Whelpley opened the public hearing for Item C and asked if anyone would like to speak on this item. No one responded. Mr. Whelpley closed the public hearing.

Lee Whelpley asked if LED goes against any of the City Code. Amanda Yamaguchi said LED signs are not typically allowed in residential neighborhoods; however, since this is for a school and it is under a specific use permit it is in accordance with the zoning ordinance as being an institutional use such as a school.

MOTION: by Ricky Jones to approve SP-279, per Staff recommendations. The motion was seconded by Mark Jones.

After the vote, Lee Whelpley said SP-279 will be heard by City Council on July 3, 2017 at 6:30 p.m.

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

7. Appeals

None

8. General Commission Business

None

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

None

10. Adjournment

MOTION: by Carolyne Isbell-Carr to adjourn (at 5:29 p.m.). The motion was seconded by Fred Dorrell.

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