



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 Carolyne Isbell-Carr
Member Mark Jones

Thursday, August 10, 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 3 - Mark Jones, Ricky Jones, and Lee Whelpley
Absent 2 - Carolyne Isbell-Carr, and Fred Dorrell

3. Old Business

None.

4. Consideration of Consent Agenda

Brent Murphy presented the Consent Agenda Item.

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

A. [17-2511](#) Approval of Planning Commission meeting minutes of July 27, 2017

MOTION by Ricky Jones to approve the meeting minutes, Item 4A, as presented.
The motion was seconded by Mark Jones.

The motion carried by the following vote:

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

5. Consideration of Items Removed from Consent Agenda

None.

6. Public Hearings

A. [17-2440](#) Public hearing, consideration, and possible action regarding SP-284 (Specific Use Permit for animal sales and services including an animal training school) and abrogation of BAZ 1704, My Sonrise Stables, 101.02 acres, A-1, one-quarter to one-half mile south of Jasper Street, east of Olive Avenue

Brent Murphy presented the background for public hearing item 6A., SP-284, My Sonrise Stables, saying SP-284 is a request for a Specific Use Permit for animal sales and services including an animal training school. According to the application, My SonRise Stables, which operates on the property, is a training, boarding, and riding facility for horses. This property contains 101 acres and is located one-quarter to one-half mile south of Jasper Street, on the

east of Olive Avenue. Approximately 80 acres of the property, the north part, is located in the City Limits of Broken Arrow and has A-1 (Agricultural) zoning, the rest of the property, to the south, is outside the city limits of Broken Arrow located in an unincorporated area of Tulsa County.

Mr. Murphy said this property is unplatted. Right-of-way and utility easements along Garnett Road have not been dedicated in accordance with the Subdivision Regulations. Commercial animal sales and services, including an animal training school, are not permitted on this property without a Specific Use Permit; therefore, the applicant has applied for a Specific Use Permit to be allowed these uses on this property.

According to information provided by the applicant, the large barn is located 450 feet from the north property line, 300 feet from the west property line along Olive Avenue, and 590 feet from the south property line. In addition to the large barn for horses, there is a 7,000 square foot auxiliary barn, a 5,000 square foot hay barn, and two outdoor arenas, of which one is lighted and has sound. One single family house is located on the property along with a personal family facility.

Brent Murphy said access to the property occurs from Garnett Road. There is a temporary access on the north end of the property that serves Indianwood Avenue in the Bentley III addition. At the time this temporary turnaround was installed, the property associated with Bentley III and the property associated with SP-284 were under the same ownership. This temporary turnaround facility was required by the Subdivision Regulations because the stub street associated with Indianwood Avenue that is more than one lot in length.

Mr. Murphy said in February, 2006, the City Council approved a rezoning case on this property from A-1 to R-3S, BAZ-1704, subject to the property being platted. The property was never platted; therefore, the zoning remains A-1 on this property. He said based on the Comprehensive Plan, the location of the property, the history of the property, and the surrounding land uses, Staff recommends that SP-284, a request for animal sales and services including an animal training school for horses, be approved for the portion of the property located within the City Limits of the City of Broken Arrow, subject to the property being platted. Staff can recommend that platting be waived, provided right-of-way and utility easements are dedicated in accordance with the Subdivision Regulations (50 feet of right-of-way along Olive Avenue and 17.5 feet of utility easement) along Garnett Road. In addition, Staff recommends that SP-284 be approved for the portion of the property located within the City Limits of Broken Arrow subject to the following conditions:

1. No animal manure that has been collected shall be deposited within 200 feet of the perimeter boundaries. The collecting and depositing of animal manure shall be handled in accordance with the City of Broken Arrow regulations.
2. All buildings used to house horses shall be located at least 200 feet from the perimeter boundaries as referenced in the Municipal Code.
3. All arenas shall be located at least 200 feet from the perimeter of the property.
4. Building permits shall be obtained prior to the construction of any new buildings. As part of obtaining a building permit, site plans shall be submitted to and approved by the City of Broken Arrow.

5. Except for emergencies, no access shall be allowed to S. Indianwood Avenue or W. Quinton Street.

In addition, Staff recommends that BAZ-1704 that was previously approved by the City Council be abrogated.

Ricky Jones said he read all the details within the Staff report and wanted to clarify a few things. He asked Staff if the portion within City limits is the only portion within the jurisdiction of the City of Broken Arrow. Brent Murphy said correct.

Ricky Jones said he believes this use is allowed in the portion of this property zoned AG, within Tulsa's jurisdiction, and said he had concerns that Broken Arrow might do something that would infringe on what Tulsa County would allow since this property is split.

Brent Murphy said this Specific Use applies only to the portion within the City of limits of Broken Arrow, that the City has jurisdiction over.

Ricky Jones asked for clarification on the zoning. He asked if the property was rezoned to residential, yet stayed Agricultural because the platting was never done and the City requires platting to be done. Brent Murphy said the property stayed Agricultural because the property was never platted, correct. Mr. Murphy said that is why Staff is asking for BAZ-1704 to be abrogated, so in the event the property is ever platted, that case goes away and it will become a new case. This application is just for a Specific Use permit that Staff is recommending for approval subject to right-of-way and utility easements be dedicated along Olive.

Lee Whelpley asked if there are any issues with the lighting and sound.

Brent Murphy said none that Staff are aware of. He said lights and sounds would be from the arena located east of the large barn facility where two arenas are. The one that is lighted is on the west side. There have been no complaints regarding the lights or noise. The barn itself is 450 feet from the north property line and the arena is approximately that same distance. It is permitted to be there. As part of the recommendations, all arenas shall be at least 250 feet from the perimeter property.

Mark Jones said that was one of his concerns as well; however, 450 feet is a considerable distance.

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

Heath Hardcastle, Attorney, Albright, Rusher & Hardcastle, 15 West 6th Street, Tulsa, said the applicant is in agreement with the recommendations with exception of one issue in regard to condition number five, which is the emergency access only to S. Indianwood Avenue or West Quinton Street. The issue there particularly in regard to S. Indianwood Avenue is that the temporary turnaround extends onto the applicant's property and is there by easement and from time to time there is trash dumping that occurs around that turnaround, on the applicant's property. The applicant agrees, there should be no commercial traffic or access to those streets

whatsoever, but would like the ability, individually (as a homeowner) to access those streets when needing to remove trash that has been dumped on it. Similarly, on Quinton Street. The other issue is, the area is wooded and sometimes there may be storm damage, trees down or fallen that may need removed. The applicant would like the ability to access that street for the ability to remove those such items rather than having to drag it through the wooded area and into the property. He said other than those items, the applicant has no other issues with the Staff recommendations.

Mark Jones asked Staff if Mr. Hardcastle's requests would be an issue.

Brent Murphy said the issue that has occurred before, a horse training facility, was horse trailers going through a neighborhood which resulted in complaints from neighbors. Staff wanted to avoid that issue and wanted to make it clear that anything associated with the horse training coming through the neighborhood was not permitted. If it is a case that the owner needed to get through to clean up debris or clean up the area, Staff would not have an issue. We want it on record that it is anything that has to do with the operations and anything having to do with the horse training facility coming through the area. He said he believes the applicant is in agreement with that.

Mr. Hardcastle said the applicant is in agreement.

Ricky Jones said these streets are public street and if someone wanted to pull a horse trailer on the street it would not be a violation of the law as long as they weren't going to the horse facility. He said he understands Staff's concern but the road is a public street.

Brent Murphy said this application allows restrictions to be placed on the property in accordance with the Specific Use Permit.

Ricky Jones said he understands and if the owner must go on the property to clean debris that is fine.

Lee Whelpley opened the public hearing and asked if anyone wished to speak on Item 6A.

Darrell Hicks, 8125 S. Joshua Circle wanted clarification on the limitation on dumping horse manure. He asked if the distance had been changed from 100 feet to 200 feet from the subdivision. Brent Murphy said yes, that is what Staff is recommending as part of the Specific Use Permit.

Mr. Hicks asked what the total distance is from the north end of the berm that has been installed at this location. Brent Murphy said the berm being referred to is shown on the aerial drawing next to the residential structure, to the north, and is about 375 to 400 feet because the barn is 450 feet from the property line. Mr. Hicks asked if they could get the manure moved closer to the berm due to the amount of flies it brings.

Mr. Murphy said the 200 feet referenced an aerial drawing with distances marked on it. Michael Skates asked Brent Murphy to share information obtained from animal control. Brent

Murphy said manure within 200 feet must be collected and deposited properly and that is how Staff came up with the 200 feet, using the standard within the City's municipal code.

Ricky Jones said the distance was 100 feet and Staff moved it back to 200 feet. He asked Mr. Hicks if he wants the distance to be moved farther. Mr. Hicks said yes, they would like it to be.

Darrell Hicks said the other issue of concern the tall weeds and grass being a potential fire hazard. He said they think it should be mowed more than once a year.

Michael Skates said this does not fit into the Specific Use Permit but there is requirement for a fire break adjacent to platted properties. He said he believes it to be 100 or 150 feet, but would have to confirm. He advised Mr. Hicks to call the City Action line with his concern; however, since he voiced it at this meeting Staff will look into the matter and let Mr. Yonce know the area needs mowed.

Lee Whelpley asked if anyone else wished to speak to Item 6A.

Wayne Bates, 8500 S. Gardenia, said the property has been turned into a horse facility, a metal fence has been installed. He voiced concerns about the safety of the fence, due to metal screws sticking out of the top rails, and the chance the fence may not be installed to code. He also voiced concerns about the look of the fence. He said he has pictures.

Michael Skates asked Mr. Bates to meet with him after the meeting to show the pictures. Mr. Skates said he drove around the fence and so no issues with the fence. He said Mr. Yonce, put up the fence to keep people off his property as people were riding four wheelers on it and to camping on it. There was another neighbor having fence issues and maybe it was a fence contractor issue. Mr. Yonce wants to get along with his neighbors and put up a fence to deal with his property and his family and felt that putting a fence up would protect his privacy.

Discussion continued.

Lee Whelpley asked if anyone else wished to speak on Item 6A. No one responded. Mr. Whelpley closed the public hearing. He asked if the applicant wished to respond to the comments.

Mr. Hardcastle said in regards to the fencing issues, he did not have enough facts to provide a response but there is no doubt the fence but be in compliance with code. He said it is a separate issue from the Specific Use Permit, but will work with the City or residents to make sure the issues are addressed. He said as to the manure and mowing, the fire break is by ordinance and will have to be kept up with. There may be a plan for mowing on the property which may result in taller grasses which would then be cut and bailed. He said he could find out the answer on this, yet it is not part of the Specific Use Permit application.

Mr. Hardcastle said in regard to the horse manure, it is addressed by ordinance in regards to the distance and his client has no objection to falling the ordinance.

Ricky Jones asked Legal staff if a property owner, living on agriculturally zoned property can have cows and/or horses on that land if it is within City Limits. Lesli Myers said yes, depending on acreage.

Ricky Jones said then hypothetically he could have AG zoned property with barb wire fence and cows and horses within City limits, depending on acreage and it could be next to a neighborhood. He said he feels Staff did good job on this application of placing safeguards and conditions in place to protect the surrounding neighborhood and feels confident they will enforce those safeguards if they are not followed.

MOTION by Ricky Jones to approve SP-284, per Staff recommendations. The motion was seconded by Mark Jones.

The motion carried by the following vote:

After vote Lee Whelpley said this item will be heard by City Council on September 5, 2017, at 6:30 p.m. anyone who would like to speak on this item must fill out a form in advance of the meeting.

Aye: 3 - Mark Jones, 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 to adjourn by Ricky Jones at 5:29 p.m. The motion was seconded by Mark Jones.

The motion carried by the following vote:

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