



**City of Broken Arrow**  
**Minutes - Draft**  
**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 Mark Jones*  
*Member Pablo Aguirre*

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**Thursday, February 22, 2018**

**5:00 PM**

**Council Chambers**

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**1. Call To Order**

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

**2. Roll Call**

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

**3. Old Business**

Staff Planner, Amanda Yamaguchi presented the background for Old Business Item 3A. She said the applicant is not present for Item 3A; however, they have advised Staff they agree with the Staff report.

Ricky Jones said his firm prepared the plat for Item 3A and would have to recuse himself from discussion. Mr. Jones left the Council Chambers.

Lee Whelpley said the Items on Old Business were previously on the Consent Agenda so all items should be presented at one time. These items were continued from the previous Planning Commission meeting held, February 8, 2018, due to a lack of quorum.

Amanda Yamaguchi presented the background for Old Business Items 3B and 3C.

Lee Whelpley said these items were on Consent at the last meeting and would be treated as such. He explained the Consent Agenda process and asked if anyone wished to remove any other items for discussion.

**A.                    Approval of PT15-103B, Revised Preliminary Plat, Riverstone Estates II, 24.09 acres, 82 Lots, A-1 to RS-3, one-quarter mile east of Olive Avenue, one-quarter mile south of Tucson Street**

MOTION made by Mark Jones to approve Item 3A, PT15-103B, per Staff recommendations. The motion was seconded by Fred Dorrell. The motion carried the following vote:

**Aye:                3 -    Mark Jones, Fred Dorrell, and Lee Whelpley**

**Absent: 1 - Pablo Aguirre**

**Recused: 1 - Ricky Jones**

Mark Jones said Items 3B and 3C are his company's projects and would have to recuse himself from discussion on the items.

Ricky Jones returned to the Council Chambers.

Mark Jones left the Council Chambers.

**B. Approval of PT18-100, Preliminary Plat, Tucson Village II, 93 lots, 35.68 acres, A-1 to RS-3 and FD/PUD-234, south of Tucson Street, one-third mile west of 23rd Street**

MOTION made by Fred Dorrell to approve Item 3B, and 3C, per Staff recommendations. The motion was seconded by Ricky Jones. The motion carried the following vote:

**Aye: 3 - Fred Dorrell, Ricky Jones, and Lee Whelpley**

**Absent: 1 - Pablo Aguirre**

**Recused: 1 - Mark Jones**

**C. Approval of PT18-102, Preliminary Plat, Silverleaf II, 121 lots, 31.07 acres, A-1 to PUD 225/RS-3, one-quarter mile north of Omaha Street, west of 37th Street**

MOTION made by Fred Dorrell to approve Item 3B, and 3C, per Staff recommendations. The motion was seconded by Ricky Jones. The motion carried the following vote:

**Aye: 3 - Fred Dorrell, Ricky Jones, and Lee Whelpley**

**Absent: 1 - Pablo Aguirre**

**Recused: 1 - Mark Jones**

**4. Consideration of Consent Agenda**

Staff Planner, Amanda Yamaguchi presented the background for the Consent Agenda Items.

Ricky Jones said his firm prepared the revised plat for Item 4D and would need to remove the Item from the Consent Agenda.

Lee Whelpley explained the Consent Agenda and asked if anyone wished to remove any

other items for discussion. No one responded.

**A. Approval of Planning Commission meeting minutes of January 25, 2018**

MOTION made by Ricky Jones to approve Consent Agenda Item 4A, 4B, 4C, 4E, 4F, per Staff recommendations. The motion was seconded by Fred Dorrell. The motion carried the following vote:

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

**Absent: 1 - Pablo Aguirre**

**B. Approval of BAL-2028, Peter and Cassandra Clark Lot Split, 1 Lot, 0.34 acres, one-half mile west of 9th Street, one-quarter mile south of Kenosha Street at 603 N. First Street**

MOTION made by Ricky Jones to approve Consent Agenda Item 4A, 4B, 4C, 4E, 4F, per Staff recommendations. The motion was seconded by Fred Dorrell. The motion carried the following vote:

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

**Absent: 1 - Pablo Aguirre**

**C. Approval of PT13-104A, Preliminary Plat, CSD Enterprises Amended, a replat of Block 1 and Reserve A of CSD Enterprises, and a replat of part of Lot 1 of Block 1 of Battle Creek Mini-Storage, 3 lots, 4.09 acres, PUD-226/CH and A-CH to PUD 226A/CH & IL, located one-quarter mile south of Omaha Street, west of Aspen Avenue**

MOTION made by Ricky Jones to approve Consent Agenda Item 4A, 4B, 4C, 4E, 4F, per Staff recommendations. The motion was seconded by Fred Dorrell. The motion carried the following vote:

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

**Absent: 1 - Pablo Aguirre**

**Approval of PT15-103C, Revised Preliminary Plat, Riverstone Estates III, 24.07 acres, 70 Lots, A-1 to RS-3, one-quarter mile east of Olive Avenue, one-quarter mile south of Tucson Street**

This item was removed from the Consent Agenda.

**E. Approval of PT17-116, Conditional Final Plat, Twin Cities Ready Mix, 1 lot, 19.30 acres, IH, one-quarter mile west of 23rd Street, one-quarter mile south of Houston Street**

MOTION made by Ricky Jones to approve Consent Agenda Item 4A, 4B, 4C, 4E, 4F, per Staff recommendations. The motion was seconded by Fred Dorrell. The motion carried the following vote:

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

**Absent: 1 - Pablo Aguirre**

**F. Approval of ST18-101, Twin Cities Ready Mix building elevations, 19.30 acres, IH, west of 23rd Street, south of Houston Street**

MOTION made by Ricky Jones to approve Consent Agenda Item 4A, 4B, 4C, 4E, 4F, per Staff recommendations. The motion was seconded by Fred Dorrell. The motion carried the following vote:

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

**Absent: 1 - Pablo Aguirre**

After the vote, Lee Whelpley said Item 4E will be heard by the City Council on March 20, 2018, at 6:30 p.m. He said if anyone wishes to speak at Council they must fill out a request to speak form prior to the meeting.

Ricky Jones left the Council Chambers

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

**D. Approval of PT15-103C, Revised Preliminary Plat, Riverstone Estates III, 24.07 acres, 70 Lots, A-1 to RS-3, one-quarter mile east of Olive Avenue, one-quarter mile south of Tucson Street**

MOTION made by Fred Dorrell to approve Item 4D, per Staff recommendations. The motion was seconded by Mark Jones. The motion carried the following vote:

**Aye: 3 - Mark Jones, Fred Dorrell, and Lee Whelpley**

**Absent: 1 - Pablo Aguirre**

**Recused: 1 - Ricky Jones**

**6. Public Hearings**

Ricky Jones returned to the Council Chambers.

**A. Public hearing, consideration, and possible action regarding PUD-226A (Planned Unit Development) and BAZ-1997 (Rezoning), CSD Enterprises Amended, 4.09 acres, PUD-226/CH and A-CH to PUD-226A/CH and IL, located one-quarter mile south of Omaha Street, west of Aspen Avenue**

Senior Planner, Brent Murphy presented the background for Item 6A saying, Planned Unit Development (PUD)-226A and rezoning request BAZ-1997 involve a 4.09-acre parcel located one- quarter mile south of Omaha Street, west of Aspen Avenue.

Applicant is requesting that the zoning on the property be changed from PUD-226/CH and A-CH to PUD-226A/CH and IL. The property is designated as Level 6 in the Comprehensive Plan.

PUD-226 was approved by the City Council on June 16, 2014, subject to the property being platted. The plat, CSD Enterprises, was recorded in Tulsa County in 2015. At the time PUD-226 was approved, the property had two different property owners. Since that time the property owners, to the north, CSD Enterprises purchased the abutting property, to the south. In addition, a 14-foot-wide strip that was part of the Battle Creek Mini-Storage was obtained by CSD Enterprises also.

Mr. Murphy said the design concept has been modified with PUD-226, to consist of three lots. The existing CSD Office has already been constructed and is Lot 1. The middle part of the area, will be office-warehouse and the possibility for RV storage. With these type of uses, requires IL zoning. Lot 3, to the south of the existing office is planned for office use. He said a summary of proposed changes can be located in the Staff report.

He reiterated that the project will consist of three lots. Lot 2 will be for the industrial use. Lot 1 and 3, adjacent to Aspen will be used for an office building with the underlying zoning for commercial type uses.

The property associated with PUD-226A and BAZ-1997 is shown in the Comprehensive Plan as Level 6. The IL zoning requested with BAZ-1997 and the development proposed with PUD-226A are in accordance with the Comprehensive Plan in Level 6.

Based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-226A and BAZ-1997 be approved as submitted, subject to the property being replatted in accordance with the City of Broken Arrow Subdivision Regulations. Mr. Murphy said the Preliminary Plat for this project was approved on the Consent Agenda for this meeting.

Lee Whelpley asked if the applicant would step to the podium and give their name and address, for the record.

Brian Casement, Casement Engineering, engineer and representative for Daniels Construction said he agrees with the Staff report.

Lee Whelpley opened the public hearing for PUD-226A and BAZ-1997, Item 6A and asked if anyone wished to speak on the item. No one responded. Mr. Whelpley closed the Public Hearing.

MOTION made by Mark Jones to approve Item 6A, per Staff recommendation. The motion was seconded by Ricky Jones. The motion carried the following vote:

After the vote, Lee Whelpley said Item 6A will be heard by the City Council on March 20th, at 6:30 p.m.

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

**Absent: 1 - Pablo Aguirre**

**B. Public hearing, consideration, and possible action regarding PUD (Planned Unit Development Minor Amendment) 10H, Charlies Chicken Pylon Sign, 1.06 acres, PUD-10H/CG, north of New Orleans Street, one-quarter mile west of Elm Place**

Staff Planner, Amanda Yamaguchi presented the background for Item 6B saying, Planned Unit Development (PUD) 10H is a request for a minor amendment to PUD-10 on 1.06 acres associated with the Vandever East Greens located north of New Orleans Street, one-quarter mile west of Elm Place.

On September 4, 1979, the City Council approved a Planned Unit Development (PUD-10), subject to platting. The parcel related to PUD-10H was created in 1981, as part of that plat as Lot 1, Block 1, Vandever Green.

Mazzio's pizza was previously located on this property. The site plan that was reviewed and approved by the Planning Commission on September 11, 1997, showed a sign that met the requirements of the Zoning Ordinance in effect at the time of site plan review. The site plan was later revised to accommodate an access point to the east. The sign was installed on the south side of the drive, approximately 71-feet from the centerline of New Orleans Street, which was not in accordance with the Zoning Ordinance and was not shown on the revised site plan.

Ms. Yamaguchi said on November 21, 2013, the Planning Commission approved PUD-10G, a request for a minor amendment to PUD-10. PUD-10G was approved with the condition to either leave the sign at 71 feet from the centerline of New Orleans with a limit of ten feet in height and 127 square feet in area or, the height of the sign could be increased to 14 feet, provided it would be moved north of the drive that connects to the abutting property to the east.

The sign constructed after the approval of PUD-10G was in accordance with the first option listed in the conditions and was located approximately 71-feet from the centerline of New Orleans Street and was 10-feet in height.

PUD-10H, is a second request for a minor amendment to modify the sign height of the existing freestanding sign. The sign is proposed to be increased in height from 10-feet to 16-feet, with an area of 92 square feet. The applicant proposes to place the proposed sign a total of 71-feet from the centerline of New Orleans Street. The 92-square foot proposed sign area is less than the 127-square foot area that was approved with PUD-10G.

Amanda Yamaguchi said the sign for Taco Bell to the west of this property is also a part of PUD-10, is approximately 10-feet in height and 110-feet from the centerline of New Orleans Street. The sign for El Chico to the east is approximately 12-feet in height and 100-feet from the centerline of New Orleans Street.

The signs on adjacent properties were installed in accordance with PUD-10 guidelines and the sign regulations that were in effect prior to the current sign requirements. A minor amendment to PUD-10, PUD-10G, has been previously approved to increase the height of this sign, provided that it is moved north of the drive, approximately 110-feet from the centerline of New Orleans Street.

Ms. Yamaguchi said, based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-10H be approved, subject to the following conditions of approval:

1. Staff recommends that platting be waived, since the property has already been platted.
2. The applicant shall obtain a sign permit from the Development Services Division before constructing any signs.
3. At 71 feet from the centerline of New Orleans Street (current sign location), the sign shall be limited to 14 feet in height. No part of the sign shall be located within 71 feet of the centerline of New Orleans Street. The size of the sign shall be limited to 92 square feet as shown in the drawing submitted by the applicant. The supporting pole structure shall be covered and landscaping shall be provided around the base of the sign.
4. The height of the sign can be increased to 16 feet, provided it is located north of the drive that connects with the abutting property to the east, approximately 110-feet from the centerline of New Orleans Street. The size of the sign shall be limited to 92 square feet as shown in the drawing submitted by the applicant. The supporting pole structure shall be covered and landscaping shall be provided around the base of the sign.

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

Brad Bouse, Charlie's Chicken, 740 West New Orleans (store address), said 14 feet is restrictive. He said the front of the building out to El Chico is 30 feet, which matches Taco Bell. He said his building sits back 30 feet. He said an aerial on Google Maps, looking at the intersection, from 101st and Elm looking back shows Taco Bueno, Taco Bell and El Chico. He said this building cannot be seen. Moving the sign back will move it behind El Chico, which decreases visibility. He said he would like two more feet. Standard reader boards are four feet, the sign is 6 feet which equals 10 feet. Leaving 4 feet off the ground is 14 feet, which will leave no gap between the two. He said if the sign is too low it can get hit by vehicles and he has had that happen at another store.

Mr. Bouse said he wants two extra feet to compete with convenient stores, which now offer food. More specifically, they sell chicken. He said they are allowed two signs, one on each street and he does not see an issue with adding two more feet to his sign. He said the two feet is needed due to the visibility of his business. Mr. Bouse referenced convenient store menus and signs that were being displayed on the screen.

Lee Whelpley asked Mr. Bouse if he is against Staff recommendations. Mr. Bouse said he would like two more feet.

Fred Dorrell asked Mr. Bouse if he was requesting 16 feet at 71 feet from the center-line. Mr. Bouse said yes, that the location of this store dips down and the extra two feet is needed.

Ricky Jones asked Mr. Bouse if he wants the sign closer and larger.

Brad Bouse said he does not want to move the sign closer.

Ricky Jones said the sign can be taller if it is set farther back from the street.

Mr. Bouse said that is correct. He referenced a drawing, on the screen, and explained his need for two additional feet.

Ricky Jones asked if it would be appropriate for El Chico to move their sign closer to the street. Mr. Bouse said El Chico's sign is visible where it is currently located.

Ricky Jones said he understands visibility; however, granting the increase on this sign would create a chain reaction from other businesses (in the area) wanting the same. The argument to allow that would be that Charlie's Chicken sign was allowed to be larger. He said he drove the area and traveling west to east, the El Chico sign cannot be seen until almost getting to the building.

Lee Whelpley said the sign cannot be seen from one perspective; however, he said the goal is to try and capture people's attention, not from the frontage road, but from the main thoroughfare.

Discussion continued. Inaudible due to speakers being too far away from their microphone.

Mark Jones asked if the old Mazzio sign complies.

Larry Curtis said the former Mazzio's sign was not in compliance to the zoning code or the PUD. He said a request, to increase this sign, was submitted about five years ago. He said ten feet was allowed, at this location by amending the PUD. The Planning Commission approved the ten foot sign, leaving it at its current location and if the sign needed to be bigger, the sign would have to be moved farther back.



Ricky Jones said he remembered the previous case, requesting a larger sign. He said the sign existed and Planners locked it in at what it was. He said Mr. Bouse has options - the sign can be 16 feet tall, if the sign is pushed 110 feet back or at 71 feet, the sign is limited to 92 square feet and 14 feet in height.

Mr. Bouse said moving the sign back to 110 feet limits the visibility even more as the edge of the sign would be the only thing visible from the street.

Discussion continued.

Lee Whelpley opened the public hearing for Item 6B and asked if anyone wished to speak on the item. No one responded. Mr. Whelpley closed the Public Hearing.

Ricky Jones asked to see the exhibit, from the staff report, showing the north side of the street with the two signs on either side. He said the signs for Taco Bell and Taco Bueno are 110 feet back.

Larry Curtis said there is a scribners error on the exhibit and one of the signs is 14 feet, not 16 feet.

Ricky Jones said the sign being closer, but limited in height seems ok and the sizes listed in Staff's recommendation. Signage is critical and the Commission hears a lot of cases, in which Staff can usually work out the issues with the applicant; however, on this case, it would set a precedent to be that close and taller.

Mark Jones said he agrees not to set a precedent which could cause issues across the City.

Ricky Jones said Staff provided two options to choose from and although the applicant would like something different, he cannot support the request for two more feet. He said this area is also one that is trying to be re-developed and has a lot of empty spaces. He said the area is being looked at to bring in businesses. He said this use, for Charlie's Chicken is a good use; however, he cannot approve a larger sign, up close.

Lee Whelpley asked Mr. Bouse how the request for two feet versus one came about.

Brad Bouse said because all reader boards are four feet standard and their signs are six feet which equals ten feet. Which only leaves four feet. He said if they are installed too low it cause signs to be changed by non-employees of the business. He said he understands the concern about setting a precedent.

Ricky Jones said Staff did a good job of providing some alternatives that hopefully the applicant can live with.

MOTION made by Ricky Jones to approve Item 6B, per Staff recommendation. The motion was seconded by Fred Dorrell. The motion carried the following vote:

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

**Absent: 1 - Pablo Aguirre**

## **7. Appeals**

None.

## **8. General Commission Business**

None.

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

Larry Curtis said he wanted to bring attention that a public meeting, regarding the current bond package, would be held at 6 p.m. to the Citizens of Broken Arrow at the South Broken Arrow Baptist Church. The Citizens can vote on the bond package in August. He encouraged Planning Commission member to attend.

Mr. Curtis said a meeting would be held Monday, at the Battle Creek Clubhouse for Citizens to attend. Another meeting is scheduled for at Forest Ridge Country Club, on Tuesday at 6 p.m. He said if one meeting is missed there are two other opportunities to attend.

Larry Curtis said he wanted to introduce a new Administrative Clerk, Sarah McDaniel who will be helping with Planning items predominately and assisting with engineering files.

Michael Skates said he wanted to introduce his new Administrative Assistant, Kelly Hawver, who replaced long-time employee, Debbie Limon. He said she started Monday and is doing a great job.

Ricky Jones welcomed Sarah and Kelly and said the City has a great Staff and have some big shoes to fill.

Lee Whelpley said the Planning Commission welcomes a new Commissioner, Pablo Aguirre who stepped down from the Board of Adjustment to take the new seat. He said although Pablo was unable to make his first meeting, they welcome him.

## **10. Adjournment**

MOTION: by Mark Jones to adjourn at 5:38 p.m. The motion was seconded by Fred Dorrell. The motion carried the following vote: