



City of Broken Arrow
Minutes
Special Meeting Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

Chairperson Lee Whelpley
Vice Chairperson Ricky Jones
Commission Member Fred Dorrell
Commission Member Mark Jones
Commission Member Pablo Aguirre

Thursday, June 14, 2018

Time 5:00 p.m.

Council Chambers

1. Call to Order

Vice Chairperson Ricky Jones called the meeting to order at approximately 5:00 p.m.

2. Roll Call

Present: 3 - Mark Jones, Lee Whelpley, Ricky Jones
Absent: 2 - Pablo Aguirre, Fred Dorrell

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

Senior Planner Brent Murphy presented the Consent Agenda.

- A. 18-634 Consideration and possible action regarding request for use of metal exterior building material, ST14-118B, Continental Industries, 19.43 acres, IH, 21808 E. Highway 51 (south of Washington Street on the west side of Highway 51)**

Mr. Murphy stated the applicant was present and agreed with the Staff Report.

Chairperson Lee Whelpley asked what the metal was in lieu of. Mr. Murphy replied the applicant asked permission to retain a metal exterior along the east side of the building which faced Highway 51, but was mostly screened by the existing building, during phase 1 of the project. He explained during phase 2, masonry products would be applied to the exterior of the building.

- B. 18-675 Approval of BAL-2031, Margaret H. Page Revocable Trust Lot Split, 1 Lot, 2.58 acres, one-quarter mile west of Elm Place, one third mile north of Jasper Street**

Mr. Murphy stated the applicant was present and agreed with the Staff Report.

Vice Chairperson Ricky 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 to be removed for discussion. He asked if there were any Items to be removed. There were none.

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

Move to approve the Consent Agenda per Staff recommendation

The motion carried by the following vote:

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

5. Consideration of Items Removed from Consent Agenda

There were no items removed from the Consent Agenda. No action was required or taken.

6. Public Hearings

- A. 18-673 Public hearing, consideration, and possible action regarding BAZ-2002, Margaret H. Page Revocable Trust, 2.58 acres, A-R-1 to RS-1, one-quarter mile west of Elm Place, one-third mile north of Jasper Street**

Plan Development Manager Larry Curtis reported in conjunction with BAZ-2002, BAL-2031 a request for a lot split on the property, was also submitted. He reported the property was annexed into the City of Broken Arrow on May 20, 2002 by Ordinance No. 2446. He stated a 50 foot wide roadway easement was provided along 127th Street, but no utility easement was provided. He stated none of the property was located within the 100 year flood plain. He stated since 2009 there were four other requests to change the zoning on properties in this neighborhood from A-R-1 to RS-1 (BAZ-1831, BAZ-1849, BAZ-1901 and BAZ-1910) which were approved. He reported in each of the four requests City Council waived the platting and sidewalk requirement. He stated there was no sidewalk within this neighborhood. He stated on August 8, 2015 a document was recorded in Tulsa County amending the protective restrictions to change the minimum lot size from 1.5 acres to 1 acre and while the City could not enforce private covenants, the proposed lot split submitted in

conjunction with this rezoning request met the minimum lot size requirements of the covenant. He stated the property was designated Level 1 in the Comprehensive Plan, and the RS-1 zoning requested with BAZ-2002 was considered in compliance with the Comprehensive Plan in Level 1. He reported Staff recommended BAZ-2002 be approved, and as per other rezoning cases in the neighborhood Staff recommended platting and sidewalk requirements be waived. He stated the applicant was present and in agreement with the Staff Report.

Mr. Russell Peterson stated his address was 107 West Commercial, Broken Arrow. He reported he was a local attorney who represented the applicants in this matter. He explained the applicants owned a double wide lot in the development and wished to divide the lot in two. He stated the applicants agreed with Staff recommendations.

Vice Chairperson Jones opened up the Public Hearing for Item 6A. He asked if any present wanted to speak regarding Item 6A. Seeing none, he closed the Public Hearing for Item 6A.

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

Move to approve Item 6A, BAZ-2002, as per Staff recommendation

The motion carried by the following vote:

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

Vice Chairperson Jones stated Item 6A would go before City Council on July 3, 2018 at 6:30 p.m. He explained if any citizen desired to speak regarding Item 6A, said citizen was required to fill out a Request to Appear before City Council form in advance.

B. 18-676 Public hearing, consideration, and possible action regarding PUD-253A (Planned Unit Development Major Amendment), North Rose Business Park (A.K.A Kenosha Elm Business Park), 13.20 acres, R-2,RM, CM, and CH to ON, CN, and IL (BAZ-1965)/ PUD-253A, north of Kenosha Street, one-quarter mile east of Elm Place

Plan Development Manager Larry Curtis reported the applicant proposed to construct a mixed use development consisting of existing retail shops fronting Kenosha Street, warehouse office, medical office, mini-storage to the north, and three office buildings on the east side of the property. He stated a new public street (North Birch Avenue) would divide the property from Kenosha Street to the Broken Arrow storm water detention facility to the north. He stated on June 18, 2012 City Council conditionally approved BACP-123, a request to change the Comprehensive Plan designation on 6.51 acres from Level 2 Urban Residential, to Level 6 Regional Employment Commercial. He stated approval was contingent upon the property being platted and developed through the PUD process. He stated on November 17, 2016 City Council conditionally approved PUD-253 and BAZ-1965, a request to change the zoning from residential multifamily single family R2, commercial neighborhood CN, and commercial heavy CH, to industrial light IL, and PUD-253 for existing retail shop frontage, storage units, and office buildings. He explained approval was contingent on the property being platted and as of today the property was unplatted. He stated PUD-253A described dividing the property into development areas A, B and C with a public street being constructed between development areas A/C and B. He reported the permitted uses in area A, on the west half of the property, were warehouse office, medical office, business and professional offices, financial institutions without drive-through facilities, mini-storage with accessory offices and potential for communication towers through the specific use permit process. He stated a landscaped area of at least 30 feet in width would be provided on the north side of development area A with a minimum 80 foot wide natural undisturbed area for the Park Grove Creek Drainage Way and along the new public street the landscaping edge would be 10 feet. He reported development area B was on the east side of the proposed new public street and as per PUD-253, which was previously approved, this area was proposed to be developed for office use only. He stated the types of offices were limited to medical offices or clinics, businesses and professional offices, and financial institutions without drive-through facilities. He stated a landscaped area at least 30 feet in width would be provided on the north, east and south sides of area B. He reported there would be an 8 foot high screening fence installed in the initial construction phases along the east boundary of development area B, abutting Kenwood and Kenwood IV additions. He stated development area C was on the west side of the proposed new public street and south of development area A, and was proposed to remain for retail use as allowed by the commercial neighborhood district. He stated water and sanitary sewer were provided to the property by the City of Broken Arrow. He stated none of the property was located within the 100 year flood plain. He stated PUD-253A was considered in compliance with the Comprehensive Plan in Level 6. He stated Staff recommend PUD-253A, a major amendment of PUD-253, for North Rose District Park, be approved subject to the property being platted. He stated the applicant was present and in agreement with the Staff Report.

Mr. Mark Capron with Sisemore Weisz stated his address was 6111 East 32nd Place, Tulsa. He stated Staff did an excellent job describing the process. He reported the property had a new owner who wanted to try something different in one of the development areas, hence the amendment to the PUD. He stated the previous owner proposed mini-storage in development

area A, while the new owner wished to have the ability to construct something other than mini-storage in development area A. He explained otherwise the PUD had changed very little. He stated the places of assembly had been removed from area B at the request of Mr. Larry Curtis. He stated the existing retail stores would be unchanged. He displayed and reviewed a map which illustrated where the development areas were located, the public road, the private drives, the fence screening, the landscaping, what types of businesses the developer expected in each area, etc. He stated some of the neighborhood fencing was on this property and the 30 foot buffer area would work around the existing fencing. He stated the landscaping in each zone would be completed as each zone was developed. He stated the original PUD was approved by the Planning Commission and City Council.

Chairperson Whelpley asked if the curb on Kenosha was considered the ingress and egress for North Birch Avenue. Mr. Capron responded in the affirmative; North Birch Avenue was the main entrance into the development with a secondary private drive entrance west of North Birch Avenue.

Vice Chairperson Jones opened up the Public Hearing for Item 6B. He asked if any present wanted to speak regarding Item 6B.

Dr. George Ballew stated he had a home next door to the proposed development. He asked if an environmental study had been completed. Vice Chairperson Jones stated an environmental study was not required by the City. Dr. Ballew asked what would be done about storm water. Mr. Capron responded the City had done a detention determination for the property; he reviewed the map and discussed which areas would drain in which direction and the proposed detention facility. Vice Chairperson Jones stated engineering plans would be submitted and reviewed by the City to ensure storm water runoff criteria were met. He stated water drainage issues would be addressed during the platting process. He recommended Dr. Ballew check with staff in several weeks regarding how the developer proposed to address storm water runoff and request a copy of the plans. Dr. Ballew asked if the storm water criteria also addressed red mud and crawfish. Vice Chairperson Jones responded in the affirmative; the City would look at storm water runoff and sediment erosion runoff. He stated he was unsure about the crawfish, but the mud would be addressed. Dr. Ballew expressed concern about the red crawfish population. Vice Chairperson Jones stated unless crawfish were an endangered species on the federal fish and wildlife list, crawfish would not be under any sort of regulation. Dr. Ballew asked if the storm water would be directed via pipes or ditches. Mr. Capron responded the plans would be submitted in several weeks and he believed an open swell storm sewer with inlets on the eastern side was being considered. Dr. Ballew stated he did not believe an open ditch would be effective as there was too much water flow currently in the area. Mr. Capron stated he understood that the property, as it was, did not drain very well; however, the development of the property would improve the drainage.

Mr. Don Stephens stated his address was 1104 North Circle Drive, Broken Arrow. He asked to view the zoning map. He stated he was concerned there was no way to determine what types of businesses went into the development. He stated the area was currently an eye sore and a body shop type business would not improve this. He stated Kenosha was not wide enough for current traffic and without a turn lane onto North Birch Avenue the traffic would only worsen. He stated he was concerned about the water drainage issues in the area. He stated he was concerned about how the development would affect his property value. Development Services Director Michael Skates stated a body shop would not be allowed in this location; development area A was designated as office space, financial institution space, doctor offices, and mini-storage. He stated there was a project under design for Kenosha from Date toward Main Street for curb and guttering and road improvements which he believed would be finished later this year; construction might be underway in October 2019. He stated this particular development would make every effort to collect water and direct it away from the neighborhood; no water would be directed east. He stated the consultants were working diligently with Storm water and Engineering to determine how to regulate water from the detention area back into the City's system. He stated every effort was being made to construct a development which would improve property value and be of benefit to the Community. Mr. Stephens asked if there was a road which led from North Birch Avenue west. Vice Chairperson Jones responded in the affirmative; however, it was a private drive. Mr. Stephens asked if the road would go through to Elm. Mr. Skates responded in the negative; there was a creek which caused complications, as well as the detention facility. He stated in the future, a road from the development to Elm was a possibility.

Mr. Jeff Wilson stated his address was 8310 East Greeley Place, Broken Arrow. He stated he was George Ballew's grandson. He stated he was a young businessman who grew up in Broken Arrow. He stated he understood that development area A would include mini-storage which was a concern. He stated Mr. Capron had indicated that plumbers, electricians, etc., were intended to office out of development area A. He asked for clarification. He stated he had worked in the mini-storage and electrician industry and was concerned about crime and theft. He stated the City did a tremendous job revitalizing the Downtown area and he was

disappointed to see mini-storage and industrial warehouse use proposed in this location, being so close to Downtown. He stated office buildings, dental offices, and other nicer purposes would be a great fit, but he had a tremendous concern regarding the proposed development of mini-storage and industrial warehouses. Mr. Skates stated the development specifically read warehouse/office. He stated the warehouse portion would be 50% or less and would be similar to what was seen at New Orleans and Aspen; retail in the front with office warehouse type units in the back. He stated the development area A could be warehouse/office, medical office, business/professional office, financial institution without a drive-through, or mini-storage. He stated a mini-storage facility would require security and all buildings would be required to meet all current codes. He stated he could not know if one type of business had a higher burglary rate than another. Mr. Wilson asked if the passage of this PUD allowed mini-storage if the developer so desired. Mr. Skates responded in the affirmative. Mr. Wilson stated he felt that was a bad idea for the City of Broken Arrow, for 71st Street and Main and he requested this be reconsidered by the City Council and concerned parties.

Mr. Jerry Champion stated his address was 1108 North Circle Drive, Broken Arrow. He stated currently there was an issue with lighting in this area; there was a street light currently which glared into his home and he asked how the lighting would be addressed. Vice Chairperson Jones responded all lighting would be shielded and directed downward with minimal property line spillage.

Vice Chairperson Jones asked if any other present wished to speak regarding Item 6B. Seeing none, he closed the Public Hearing for Item 6B.

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

Move to approve Item 6B, PUD-253A, as per Staff recommendation

The motion carried by the following vote:

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

Vice Chairperson Jones stated Item 6B would go before City Council on July 3, 2018 at 6:30 p.m. He explained if any citizen desired to speak regarding Item 6B, said citizen 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. 18-601 **Presentation of Training Material for Planning Commission**

Vice Chairperson Jones stated the Presentation of Training Material for Planning Commission was to be tabled until the next regularly scheduled Planning Commission Meeting.

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

Move to table the Presentation of Training Material for Planning Commission until the next Planning Commission Meeting

The motion carried by the following vote:

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

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

Mr. Michael Skates stated the Comprehensive Plan Meetings for the Steering Committee, as well as a Public Meeting on Thursday. He stated he hoped the Planning Commission would participate.

10. Adjournment

The meeting adjourned at approximately 5:46 p.m.

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

Move to adjourn

The motion carried by the following vote:

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

Mayor

City Clerk