



City of Broken Arrow
Minutes
Special Meeting Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

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

Thursday, July 12, 2018

Time 5:00 p.m.

Council Chambers

1. Call to Order

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

2. Roll Call

Present: 4 - Pablo Aguirre, Mark Jones, Lee Whelpley, Ricky Jones
Absent: 1 - Fred Dorrell

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

Staff Planner Amanda Yamaguchi presented the Consent Agenda.

- A. 18-794 Approval of PT18-106, Preliminary Plat, Bill Knight Collision, 2 lots, 2.74 acres, PUD-271/CH and IL to PUD-271A/CH and IL, north of Kenosha Street, west of 9th Street**
Ms. Yamaguchi stated the applicant was in agreement with the Staff Report, but was not present.

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 Pablo Aguirre.

Move to approve the Consent Agenda per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Pablo Aguirre, 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. 18-790 Public hearing, consideration, and possible action regarding BAZ-2006, Jackson Square, 0.32 acres, R-3 to DM, one-eighth mile south of Houston Street, one-half mile east of Elm Place at 119 E. Jackson Street**

Ms. Amanda Yamaguchi reported BAZ-2006 was a request to change the zoning designation on a 0.32 acres parcel of land from R-3 single family residential to DM downtown mixed use. She stated the property was platted as lot 4 and lot 5 of block 14 of the Fears Addition to Broken Arrow. She stated the applicant requested to change the zoning for the purpose of expanding the DM zoning on the property to the west. She stated the property to the west, lot 6, and the east half of lot 7, block 14 was rezoned from R-3 to DM with BAZ-1990 on December 5, 2017; the City did not require platting with BAZ-1990. She reported the applicant proposed to construct row-home style apartment structures on the property. She stated the property was designated Level 5 in the Comprehensive Plan; the DM zoning requested was considered to be in conformance with the Comprehensive Plan in Level 5. She stated based on the Comprehensive Plan, location of the property, and surrounding land uses, staff recommended BAZ-2006 be approved and the platting be waived.

Mr. Chad Wolber of Wolber Properties, LLC, stated these homes would be brownstones, not apartment style homes. He stated there would be 13 homes built on the properties. Chairperson Jones asked if this development would encompass more than just the property in question. Mr. Wolber responded in the affirmative; it would encompass the property in question and the two properties to the west. Commissioner Aguirre asked if the other two properties to the west were currently zoned DM. Mr. Wolber responded in the affirmative.

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 Lee Whelpley, seconded by Mark Jones.

Move to approve Item 6A, BAZ-2006, as per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Pablo Aguirre, Mark Jones, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 6A would go before City Council on August 7, 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. 18-791 Public hearing, consideration, and possible action regarding BAZ-2007, RDS Business Park, 19.70 acres, A-1 to CN, one-quarter mile north of Kenosha Street, east of 23rd Street

Senior Planner Brent Murphy reported BAZ-2007 was a zoning request from A-1 agricultural to CN commercial neighborhood. He stated the property was vacant and unplatted. He stated there had been several Comprehensive Plan and zoning changes, as well as a previous preliminary plat on the property. He reported the property was currently designated as Level 4 in the Comprehensive Plan and CN was considered to be in compliance with the Comprehensive Plan in Level 4. He stated the property was not located in the 100 year flood plain. He stated based on the Comprehensive Plan, location of the property and the surrounding land uses, staff recommended BAZ-2007 be approved subject to the property being platted.

Chairperson Jones explained hydrology, flooding, utility easements, access roads, etc., would be considered during the platting process. Mr. Murphy concurred; this was simply a zoning request to determine if CN was an appropriate land use for the property.

Mr. J.R. Donaldson stated his address was 12820 South Memorial Drive, Bixby, OK. He stated he represented RDS Investments, LLC, who requested this property be rezoned from agricultural to CN. He stated his client proposed commercial use along 193rd, and office use along the back portion. He stated his client was in agreement with Staff recommendation. He stated he understood there were concerns about drainage that would be addressed. He stated proper drainage was a priority for his client, RDS Investments.

Chairperson Jones asked if Mr. Donaldson understood that an engineer would be required to develop hydrology plans, plats and utility layouts for approval by the City. Mr. Donaldson responded in the affirmative.

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

Mr. Calvin Garner stated his address was 1213 North 27th Street, Broken Arrow. He stated he was concerned about where the access road for this property would be located. Chairperson Jones stated it was too early in the process to know this; conceptual site plans had not yet been developed. He explained the purpose of this meeting was to determine if commercial zoning was appropriate for this location. He stated later, if the zoning was approved, during the platting process, Mr. Garner would have an opportunity to see the site plans and voice any concerns. Mr. Garner stated the only way to access the property in question would be through his trailer park. Chairperson Jones responded most likely all access to the property would be off of the arterial street, not through his neighborhood.

Ms. Rita Harbour stated her address was 2600 West Vandalia Street, Broken Arrow. She stated her concern was regarding a road which was proposed to pass in front of the Walmart to connect with the Highway; if finished as proposed the road would pass through the trailer park to the east which would displace many residents. She stated she owned 29 or 30 properties in the trailer park and would lose six properties if this road was constructed. She asked if this commercial rezoning had anything to do with the proposed road. Chairperson Jones responded in the negative; not to his knowledge. He reiterated this meeting was only to consider whether commercial neighborhood zoning was a good fit for this property; road placement would be determined during the platting process.

Ms. Grace Weber stated her address was 16590 South 257th East Avenue, Coweta, OK. She stated the concern being voiced this evening was the possibility of construction of a road through the trailer park; a problem which had arisen in the past. She explained the owners and residents of the trailer park had fought against the proposed road and won, but were informed that the possibility could arise again in the future. She stated she believed the proposed commercial neighborhood project indicated entrance off of 193rd, but she was still concerned about the possibility of road construction through the trailer park being revisited. She stated she wanted Mr. Donaldson and the City to be aware, if a road was proposed through the trailer park once more, it would cost Mr. Donaldson and the City dearly to displace the residents; the residents were scared of this happening and would not be pleased with the prospect.

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

Vice Chairperson Whelpley asked if there were substreets leading into the proposed property. Mr. Curtis responded in the affirmative; there was one substreet which came in from the neighborhood north of the property. He stated the trailer park neighborhood which was concerned was located east of the property.

MOTION: A motion was made by Mark Jones, seconded by Pablo Aguirre.

Move to approve Item 6B, BAZ-2007, as per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Pablo Aguirre, Mark Jones, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 6B would go before City Council on August 7, 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.

C. 18-795 Public hearing, consideration, and possible action regarding PUD (Planned Unit Development) 271A and Abrogation of a portion of BAZ-1994, Bill Knight Collision, 2.74 acres, PUD-271/CH and IL to PUD-271A/CH and IL, north of Kenosha Street, west of 9th Street

Planner II Jane Wyrick reported PUD-271A and abrogation of a portion of BAZ-1994 involved an undeveloped 2.74 acres tract. She stated on February 20, 2018 the City Council approved PUD-271 and BAZ-1994 to rezone 1.96 acres of the site from commercial heavy to industrial light for an autobody repair facility; the remainder of the site was anticipated to be restaurant use. She explained, since approval, the owner had identified a user for the commercial portion of the site who required a larger lot size; consequently, the owner requested the northeastern corner of the site, amounting to 0.327 acres, which was rezoned with BAZ-1994, be abrogated to meet the larger lot requirement. She stated with the abrogation 1.106 acres would be commercial heavy and 1.634 acres would remain industrial light. She reported at the time the Staff Report was published it was believed no other changes would be requested with this PUD amendment; however, since then, the owner discussed with Staff the previously rezoned area B for commercial use was a smaller lot with limited depth in which a smaller 20 foot setback was approved. She stated, should this request be approved, the lot would extend to the rear of the site and the narrower rear 20 foot setback would be unnecessary; therefore, the setback would be changed from 20 feet to 30 feet. She stated the plat for the project was being processed concurrently and was on the Consent Agenda. She reported the property was designated Level 6 in the Comprehensive Plan, IL zoning was considered to be in conformance with the Comprehensive Plan at Level 6 when in conjunction with a PUD; CH zoning was also in conformance with the Comprehensive Plan at Level 6. She stated based on the Comprehensive Plan, location of the property and the surrounding land uses Staff recommended PUD-271A and abrogation of a 0.327 acres portion of BAZ-1994 be approved with the setback revision. She stated the applicant was in agreement with the Staff Report and recommendations, but was not present.

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

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

Move to approve Item 6C, BAZ-1994 and PUD-271A, as per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Pablo Aguirre, Mark Jones, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 6C would go before City Council on August 7, 2018 at 6:30 p.m. He explained if any citizen desired to speak regarding Item 6C, said citizen was required to fill out a Request to Appear before City Council form in advance.

D. 18-793 Public hearing, consideration, and possible action regarding PUD-278 (Planned Unit Development) and BAZ-2008 (Rezoning), Parks Property, 4.69 acres, CH and A-1 to CH and RE/PUD-278, located one-half mile north of New Orleans Street, east of 1st Street at 2303 S. 1st Street

Plan Development Manager Larry Curtis reported PUD-278 and BAZ-2008 was a request to rezone from CH and A-1 to CH and RE. He stated the reason for the proposed zoning change was future development of the property, for one additional residential home to be placed on the property. He reported the property was annexed into the City of Broken Arrow on March 15, 1971 with Ordinance No. 383. He reported the property associated with this development consisted of one lot, and while the PUD proposed to divide the property into two areas (development area A and development area B), it was essential to the PUD that the property remain as one lot and no lot splits would be permitted. He stated the permitted uses in development area A, on the western quarter of the property, were office general, personal services, retail general, multifamily dwelling (there was an existing structure on the southern

portion of the property which was multifamily use), office warehouse, grocery and/or permitted farmers market, restaurant, or food preparations/distribution. He stated the permitted use in development area B was for one single family detached residence. He stated with PUD-278 the applicant proposed to develop the property in accordance with the City of Broken Arrow zoning ordinance with some changes associated with the CH and RE zoning districts which were reflected in the report. He reported to the east of the property was the single family Washington Lakes subdivision, and to the west was the City of Broken Arrow Streets and Stormwater, Public Safety and Courts building. He stated none of the property was located within the 100 year flood plain. He stated the property associated with PUD-278 and BAZ-2008 was shown as Level 1 and Level 4 in the Comprehensive Plan. He stated the RE zoning requested with BAZ-2008 was considered in compliance with the Comprehensive Plan in that Level. He stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended PUD-278 and BAZ-2008 be approved as presented. He reported the zoning ordinance required any changes in zoning to be approved subject to platting; Staff recommended platting be waived provided right of way was dedicated along 1st Place in accordance with subdivision regulations (60 feet from the section line road with 17.5 feet of utility easement provided adjacent to the right of way).

Mr. Jason Parks stated his address was 26750 East 81st Street, Broken Arrow. He stated he was in agreement with the Staff recommendation. Chairperson Jones asked if Mr. Parks understood right of way dedication was required and a lot split would not be permitted. Mr. Parks responded in the affirmative.

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

MOTION: A motion was made by Pablo Aguirre, seconded by Lee Whelpley.
Move to approve Item 6D, PUD-278 and BAZ-2008, as per Staff recommendation
The motion carried by the following vote:

Aye: 4 - Pablo Aguirre, Mark Jones, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 6D would go before City Council on August 7, 2018 at 6:30 p.m.

7. Appeals

There were no Appeals.

8. General Commission Business

A. 18-601 Presentation of Training Material for Planning Commission

Senior Planner Brent Murphy reported the Planning Commission would be familiar with most of his presentation, but if there were questions to feel free to ask. Mr. Murphy briefly gave a history of zoning regulation development, how authority was given to municipalities, and Title 11 – Planning Commission responsibilities. He stated per Title 11 the Planning Commission was responsible for preparing general plans or land use plans, holding public hearings for proposed zoning ordinances or code, making recommendations to City Council, reviewing subdivision plats, as well as providing necessary guidance in development of the City.

Mr. Murphy stated the Comprehensive Plan served as a guide for future development and included goals, objectives and policies; it clarified land use expectations and established future road networks and utility plans. He stated the Comprehensive Plan divided the City into seven Levels of Land Use Intensity which included zoning classifications and he briefly reviewed the zoning classification in each Level. He displayed and reviewed a chart which illustrated the Comprehensive Plan Land Use Intensity System. He explained there were three tools used to implement the Comprehensive Plan: Zoning Ordinances, Subdivision Regulations and Engineering Design Standards. He displayed and explained the Zoning Ordinance Matrix, Building Setback Criteria charts, Zoning Ordinance Contents (parking, landscaping, parking lot lighting, sign regulations, access controls, design requirements, and legal nonconforming uses), and Zoning Maps.

Mr. Murphy reviewed the rezoning process which started with an application including a list of the property owners within 300 feet or within 1,320 feet for multifamily. He stated legal notice would be sent to the property owners, a notice was posted in the newspaper and signs were posted on the property regarding the Hearing date, location and time. He displayed an example of the Notice which would be posted on properties and mailed to the surrounding property owners. He explained Planning Commission Members should not discuss Planning Commission business outside the meetings; these were considered ex parte communications. He briefly reviewed Planning Commission Public Hearings including the Agenda and Reports prepared by Staff, Staff presentations, applicant presentations, and the Public Hearing process. He stated this Planning Commission did a wonderful job ensuring Public Hearings were held property.

Mr. Murphy reviewed the purpose of Subdivision Regulations: to implement the Comprehensive Plan and Zoning Regulations, to ensure subdivisions were properly designed, to establish minimum standards for subdivision design, to assure the long term maintenance responsibility of public improvements, and to establish land records. He reviewed the Subdivision Process and displayed samples of each: conceptual plat, preliminary plat, conditional final plat and final plat. He asked if there were any questions.

Chairperson Jones stated the Planning Commission purview on a zoning case was very narrow by State Statute. He explained the Planning Commission did not have the ability to deny something as a matter of dislike. Mr. Murphy concurred. He stated the Planning Commission did have the ability to deny an application if it felt it was an inappropriate land use, but should give reasoning for its decision, which would help if an issue was brought to court.

Chairperson Jones thanked Mr. Murphy for the presentation. He stated he had attended many meetings in many cities and he felt the Broken Arrow Planning Commission Meetings were very well organized and pleasant. He thanked Staff for its efforts. Mr. Murphy concurred and stated it was a sign of the excellent leadership of the Planning Commission.

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

Mr. Larry Curtis stated at the City Council Meeting on June 18, 2018, PUD-230C and BAZ-2001 for Johanna Woods II, was approved; therefore, the preliminary and conditional final plat process would move forward. He stated at the July 3, 2018 City Council Meeting, BAZ-2000, rezoning from AR-1 to ON for Angus Acres, was denied, as per Planning Commission recommendations. He reported at the same meeting PUD-235A, a major amendment to the North Rose Business Park, was approved by Council, and BAZ-2002, a rezoning (AR-1 to RS-1) along the southern portion of the City, was approved by Council.

10. Adjournment

The meeting adjourned at approximately 5:51 p.m.

MOTION: A motion was made by Mark Jones, seconded by Pablo Aguirre.

Move to adjourn

The motion carried by the following vote:

Aye: 4 - Pablo Aguirre, Mark Jones, Lee Whelpley, Ricky Jones

Mayor

City Clerk