



# City of Broken Arrow

## Minutes 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*

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**Thursday, July 26, 2018**

**Time 5:00 p.m.**

**Council Chambers**

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### 1. Call to Order

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

### 2. Roll Call

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

**Absent: 1 -** Pablo Aguirre

### 3. Old Business

There was no Old Business.

### 4. Consideration of Consent Agenda

Staff Planner Amanda Yamaguchi presented the Consent Agenda.

**A. 18-817 Approval of PT03-125A, Revised Preliminary Plat, Johanna Woods II, 5.02 acres, 25 Lots, A-1 to PUD-30C/RMH, south of Omaha Street, one-half mile east of 23rd Street**  
Ms. Yamaguchi reported the applicant was in agreement with the Staff Report.

**B. 18-800 Approval of PT18-107, Preliminary Plat, Freedom Wash, a replat of Lot 5 and Lot 7, Block 1 of Kenwood Acres (Plat #1417), 2.76 acres, 2 Lots, R-1 to PUD-172/RD and CH, north of Kenosha Street, one-quarter mile west of 9th Street, between 4th Street and 5th Street**  
Ms. Yamaguchi reported the applicant was in agreement with the Staff Report.

Vice Chairperson Jones explained the Consent Agenda was approved in it's 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 Fred Dorrell.

**Move to approve the Consent Agenda**

The motion carried by the following vote:

**Aye: 4 -** Mark Jones, Fred Dorrell, 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. 18-848 Public hearing, consideration, and possible action regarding PUD-279 (Planned Unit Development), Sound Mind, 14.16 acres, A-1 to CG (BAZ-1848) to CG/PUD-279, located one-half mile north of Tucson Street, west of Aspen Avenue, north of the Creek Turnpike**

Plan Development Manager Larry Curtis reported the property was currently unplatted and undeveloped. He reported BAZ 1848 (a request to change zoning from A-1 to CG) was approved on this and the adjacent property by City Council on July 20, 2010. He stated BAZ 1848 was approved subject to the property being platted; however, with exception of the area platted as Aspen Creek Town Center I to the northeast, the remainder of the property remained unplatted. He explained Sound Mind was a proposed health care facility and commercial development, and West Norfolk Drive would be extended to the edge of the Sound Mind development. He stated the first phase of the project would be the Sound Mind Behavioral Health Hospital with the commercial development to the east to begin at a later date. He stated the use of a hospital was permissible by right in the CG zoning district and this PUD request was to reduce the uses permissible on the property. He stated PUD 279 was proposed to be developed in accordance with the Zoning Ordinance and used in the development of the CG district with notes and changes associated within the PUD document. He stated the property was in compliance with the Comprehensive Plan as Level 6. He stated Staff recommended PUD 279 be approved subject to the property being platted.

Erik Enyart with Tanner Consulting stated his address was 5323 South Lewis Avenue, Tulsa.

He stated Tanner Consulting prepared the PUD on behalf of the Sound Mind Hospital Development Group. He explained the purpose of the PUD was to exclude uses from the property as part of the terms of sale between the Broken Arrow Economic Development Authority and the Sound Mind Hospital Group. He stated CG zoning was already approved. He stated his client was in agreement with Staff recommendation.

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

Citizen Robert Norman stated his address was 508 West Quantico Street, Broken Arrow. He stated he understood the Certificate of Need for Sound Mind was no longer valid. He stated a psychiatric hospital without a valid Certificate of Need should not be permitted. Mr. Curtis responded the Certificate of Need was issued by the State of Oklahoma and as such the Planning Commission had no authority in this regard. He explained what was before the Planning Commission was a PUD for land use. Mr. Norman responded a psychiatric hospital, by law, could not be built without a valid Certificate of Need. Mr. Curtis stated the land use, as a psychiatric hospital, was permissible by right in the CG zoning district. Mr. Masude Casement, representative of Sound Mind, stated the Certificate of Need provided to the City of Broken Arrow was up to date and in compliance. He stated the Certificate of Need information was posted as public information on the State of Oklahoma government website. Mr. Norman stated when he spoke with the State, the State informed him Sound Mind did not fulfill its second requirement and therefore it was out of compliance. He stated he was not against a psychiatric hospital being in developed in this location; he simply wanted to be certain all was in compliance legally. Mr. Curtis assured Mr. Norman the City would ensure all State and Federal regulations were in place prior to issuance of a building permit.

Citizen Zane Anderson stated his address was 11464 South 140<sup>th</sup> East Avenue, Broken Arrow. He asked about the future Creek Turnpike plans alongside this property. Mr. Curtis displayed a map which illustrated the future roadway proposals to connect and provide access to the future commercial developments. Mr. Anderson stated he understood this was in the flood plain. Mr. Curtis concurred; the flood plain issue would be considered and addressed when road construction plans were drawn.

Citizen Dan Clark stated his address was 5308 South Chestnut Avenue, Broken Arrow. He stated he lived near this prospective development. He asked about the flood plain. He stated he felt development of the property in the flood plain was potentially problematic. Mr. Curtis responded a bridge would be constructed over the flood plain to accommodate the Creek, and nothing was currently proposed to be constructed on the land which fell within the flood plain. Mr. Curtis assured Mr. Clark that the flood plain was well known, understood and would be protected. Discussion ensued regarding the flood plain, location of sewer lines, and City-provided buffers.

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

MOTION: A motion was made by Fred Dorrell, seconded by Mark Jones.

**Move to approve Item 6A per Staff recommendation**

The motion carried by the following vote:

Aye: 3 - Mark Jones, Fred Dorrell, Lee Whelpley  
Recused: 1 - Ricky Jones

Chairperson Whelpley stated Item 6A would go before City Council on August 7<sup>th</sup>, 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.

Vice Chairperson Jones left the room prior to discussion of Item 6A and returned following the vote.

**7. Appeals**

There were no Appeals.

**8. General Commission Business**

There was no General Commission Business.

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

Mr. Larry Curtis reported the following items were approved by City Council: the Comprehensive Plan Amendment for Pat's Express Car Wash along the Creek Turnpike; BAZ 2003, rezoning from R-1 to RS-1; BAZ 2004, rezoning from A-1 to RS-3, for the Martha Helm Trust.

Mr. Curtis introduced the new Plan Development Division Administrative Secretary, Sarah

McDaniel.

10. Adjournment

The meeting adjourned at approximately 5:18 p.m.

MOTION: A motion was made by Mark Jones, seconded by Fred Dorrell.

**Move to adjourn**

The motion carried by the following vote:

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

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Mayor

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City Clerk