



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, August 23, 2018

Time 5:00 p.m.

Council Chambers

1. Call to Order

Vice Chairperson Lee Whelpley called the meeting to order at approximately 5:00 p.m.

2. Roll Call

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

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

Staff Planner Amanda Yamaguchi presented the Consent Agenda.

- A. 18-916 Approval of BAL 2034CB, North Rose 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**

Ms. Yamaguchi stated the applicant was present and in agreement with the Staff Report.

- B. 18-917 Approval of BAL 2035, North Rose 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**

Ms. Yamaguchi stated the applicant was present and in agreement with the Staff Report.

- C. 18-986 Approval of BAL 2036, Fire Station no. 3, 3.03 acres, A 1 to BAZ 2011/CG, one half mile east of Aspen Avenue, one half mile south of Florence Street, west of 23rd Street, north of the Creek Turnpike**

Ms. Yamaguchi stated the applicant was present and in agreement with the Staff Report.

- D. 18-977 Approval of PT17 102, Conditional Final Plat, The Pines at the Preserve, 90 lots, 24.61 acres, A 1 to RS 3, west of the southwest corner of 37th Street and Omaha Street**

Ms. Yamaguchi stated the applicant was present and in agreement with the Staff Report.

- E. 18-956 Approval of PT18 106, Conditional Final 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 present and in agreement with the Staff Report.

- F. 18-988 Approval of request for use of masonry and metal exterior building materials, ST18 117, Broken Arrow Neighbors Warehouse, 1.03 acres, DF/Area 6 of Downtown Residential Overlay District, 315 W. College Street (one quarter mile east of Elm Place, one half mile north of Houston Street)**

Ms. Yamaguchi stated the applicant was present and in agreement with the Staff Report.

Vice Chairperson Whelpley 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 Fred Dorrell, seconded by Pablo Aguirre.

Move to approve the Consent Agenda per Staff recommendation

The motion carried by the following vote:

Aye: 3 - Pablo Aguirre, Fred Dorrell, Lee Whelpley

Vice Chairperson Whelpley stated Item 4D and Item 4E would go before City Council on September 18, 2018 at 6:30 p.m. He explained if any citizen desired to speak regarding Item 4D or Item 4E, said citizen was required to fill out a Request to Appear before City Council form in advance.

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. 18-954 **Public hearing, consideration, and possible action regarding SP-289 (Specific Use Permit), Events Center, 21.05 acres, A 1, one quarter north of New Orleans Street, east of 1st Place**

Planner II Jane Wyrick reported SP-289 was a request for a specific use permit for an events center to be placed in an agricultural zoning district. She stated the applicant proposed to develop the site in phases to include an event center, wedding chapel, banquet facility, including site improvements such as a vineyard with a greenhouse, a bridge across the creek leading to a gazebo, a large patio area, and a pond. She stated the project had 695 feet of frontage and the conceptual site plan showed two access points and 182 parking spaces. She reported the specific use document indicated that the site would be designed with low impact guidelines by providing adequate parking, green space, the vineyard and water features. She stated with the modified site plan, the minimum parking requirements should be met, but not exceeded. She stated all the proposed buildings would meet the setback requirements. She explained when Staff processed a specific use permit items such as parking, traffic, noise, and lighting were reviewed. She stated some events were anticipated to be open until 2 a.m. She reported the applicant would create berms along the south property line to possibly include walls and vegetation such as evergreen trees, in an attempt to buffer the site from the neighbors to the south. She stated Recommended Condition No. 3 prohibited amplified sound from 10 p.m. until 7 a.m. She stated the City Noise Ordinance allowed noise until 11 p.m. on Friday and Saturday; therefore, a correction would be made incorporating this into Recommended Condition No. 3. She stated the applicant requested the Recommended Condition No. 3 indicate the amplified sound condition was in regard to outdoor music. She stated the applicant proposed 16 feet high light poles in the parking area and any sign for the site would be in accordance with the zoning ordinance. She stated there was a 100 year flood plain along the east side of the property and the applicant, should this be approved, would seek the necessary permits through FEMA. She stated it was not yet known if the project would require on-site detention, if so, the applicant would be required to revise the site plan accordingly. She stated the property was not platted; therefore, should this be approved the property was to be platted within one year. She stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended SP-289 be approved subject to platting, subject to uses for places of assembly, and subject to the City's Noise Ordinance.

The applicant representative, Mr. Nick Denison with 1Architecture, stated his address was 1319 East 6th Street, Tulsa. He stated his client was in agreement with Staff recommendations. He stated he would be happy to answer any questions. Vice Chairperson Whelpley asked if Mr. Denison had held any meetings with the neighbors. Mr. Denison responded in the negative.

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

Mr. David Center stated his address was 208 East New Orleans Street, Broken Arrow. He stated he was the property owner on the south side of the proposed project. He stated he had three concerns, the first was drainage; he worried the development of the event center would divert more water to his land. He stated he would appreciate seeing a plan which responded to this concern. He stated there was creek which ran through the property onto his own and the creek bed had eroded considerably in the last 20 years; he was concerned about the water being directed into the creek which would divert more water onto his land. He reported the creek as it crossed New Orleans was approximately 20 feet deep as a result of the erosion process. He wondered if the water would be retained on site, or if it would be "fee in lieu of," which would be disastrous for his property. He stated his second concern was the lighting; he did not want the lighting encroaching upon his property. He stated his third concern was the fencing and screening; he wondered what was intended in this regard. He stated he liked the tree planting idea, but he wondered if the City had ordinances regarding separating a project such as the event center from neighboring properties.

Development Services Director Michael Skates stated when this project moved forward, if approved, a detention determination letter request would be submitted. He stated he believed detention would be required on the property. He stated drainage on the property would be directed to the detention facility, which more than likely would be located outside the flood plain, but somewhere near the creek. He stated it was early to know exactly what would take place, but the City had very stringent stormwater and drainage requirements. He stated if a 3 to 5 foot berm was built along the south boundary, including evergreen trees, it would create a separation between the two properties and would create a noise buffer.

Senior Planner Brent Murphy stated this property was zoned A1 and the applicant was

requesting a specific use permit for a place of assembly. He explained, in regards to lighting, the height of the poles would be limited to 16 feet tall, set back 50 feet from the neighboring properties, and would be the shoebox type (pointed straight down), which was most restrictive and would not encroach upon neighboring properties. He stated, in regards to fencing, being zoned A1 no fencing was required as a part of the zoning ordinance, but as a part of the specific use permit it could be a requirement. He stated it sounded as if berms and landscaping was being used to reduce visibility. Commissioner Fred Dorrell asked if the screening was included in the specific use permit. Ms. Wyrick responded in the negative; however, if Commissioner Dorrell wished to craft an additional condition of approval it could be added.

Mr. Marc Vessells stated his address was 116 East Laredo Place, Broken Arrow. He stated he was located down the street from this property and down a slope from this property. He stated his main concern was the traffic. He stated the water from this property ran into his neighborhood and he was worried about this increasing and causing flooding. He stated the creek flooded extremely rapidly and he worried when they leveled the property for development this flooding would get much worse. He stated he was worried about property value impact and he wished to see an impact study. He stated there were two event centers in Broken Arrow already and there were plenty of other locations for a proposed events center. He stated he did not approve of this project.

Mr. Steve Foerster stated his address was 2305 South 1st Place, Broken Arrow. He stated 1st Place was a two lane road with no sidewalks. He stated across the street, on 1st Place, was the Justice Center and Street and Stormwater building; the jail was nearby as well. He stated many City vehicles, police cars and emergency vehicles used South 1st Place, and used the gas station on 1st Place. He stated he was concerned about traffic and he was worried emergency vehicles would be impeded. He stated he was concerned about potential noise. He asked if there was any guarantee against loud rock concerts, motorcycle rallies, etc. He asked if the events center was restricted to weddings and wedding receptions.

Vice Chairperson Whelpley asked if there were plans to widen South 1st Place. Mr. Skates responded he was unsure; he would check. Vice Chairperson Whelpley stated it was indeed a narrow two lane road. Mr. Skates concurred, but stated the police headquarters had recently moved which reduced police traffic. Vice Chairperson Whelpley stated he understood a fire station was to be built along South 1st Place. Mr. Skates concurred; Fire Station 7 would be located at the corner of South 1st Place and Washington, but police and fire were no longer required to use the gas station located on South 1st Place and could refuel at any station within City Limits. Vice Chairperson Whelpley stated many school buses used South 1st Place as well. He stated it would be a very busy road.

Ms. Roxie Lilley stated her address was 204 East Laredo Place, Broken Arrow. She stated she and her neighbors had concerns regarding the traffic. She stated she was happy to hear there would be parking at the events center site and that the applicant might have a meeting with the residents to listen to and address concerns. She stated she was concerned about the hours of operation. She stated other than her concerns regarding traffic and hours of operation she welcomed this type of facility. She stated she felt it would be beneficial for the City, for beautification, and for economic growth.

Mr. Bruce Maxey stated his address was 2108 South 1st Place, Broken Arrow. He stated he was concerned about an increase in traffic. He stated there was already a large amount of traffic along this two lane road with no curb and no sidewalk. He stated he worried that a facility with 180 parking spaces would potentially increase traffic. He stated he also questioned if another events center was needed.

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

Commissioner Dorrell asked about traffic concerns, screening and how frequently events were expected to take place at the proposed center. Mr. Denison responded traffic had not been taken into consideration; focus had been upon the site itself and how it would affect the neighbors. He stated his client wanted to partner with the neighbors and wanted property values to rise. He stated events would primarily be held on the weekends, Friday, Saturday and Sunday. He stated the landscaping would be of a botanic garden level with fountains included. He explained water was a resource for the property, and efforts would be made to retain and make use of stormwater for irrigation purposes rather than direct it off property. He stated in regards to screening, his client would prefer if there were not a large concrete wall, but rather landscaping buffers integrated into the site; however, if the City determined there was a need for a fence and it was required, he was open to discussion. He stated he felt a berm plan incorporating evergreens would be more attractive for the community. He stated he was open to have meetings with the City and with residents. He stated plans were extremely conceptual at the moment, but phase 1 included a 7,000 to 10,000 square foot single story event center which targeted a 200 person wedding; however, events would not

necessarily only be wedding related. He stated stage 2 included a 25,000 square foot building which was unlike anything he knew of in the area, and would target a 400 person wedding. He stated with the flood plain the 20 acres of property was reduced to 10 acres, but the 10 acres would be maximized and a buffer zone would be created with the woods. He stated he felt this would be a fantastic development and he hoped the City of Broken Arrow and the surrounding community would be proud of the development as well.

Commissioner Aguirre asked what steps would be taken to mitigate the noise. Mr. Denison stated his client was willing to take whatever steps were necessary to comply with the noise ordinance in the area. He stated the site itself would be heavily treed with low and high vegetation and the buildings would be acoustically sound proofed buildings which would meet all sound code regulations. He stated any indoor events would not have any exterior noise. Commissioner Aguirre asked if there were plans to do decibel level checks around the property. Mr. Denison responded this could be done and asked if there was a decibel level which should be the goal or if there were any sound guidelines. Mr. Skates indicated City Ordinance talked about quietude and did not specify decibel levels; therefore, typically if quietude was disturbed on any property, the person disturbed would contact the police department, the police would come out and determine if someone's quietude had been disturbed. He stated quietude was not regulated by hours and a disturbance could happen during hours of operation; noise which disturbed the peace was not allowed at any time of day. He reported the police had the right to shut down an event, write tickets, or ask for the music to be turned down depending upon the circumstances.

Commissioner Dorrell asked if there were any plans for improvement of 1st Place. Mr. Skates responded there was not a named project in the transportation section of the Bond; however, within the Bond there were monies available for unnamed projects. He stated this was a street which could be studied by the City, depending upon the development, and if it were deemed necessary to make improvements he believed the City could use the funds in the unnamed portion of the Bond. He stated as development went forward with the project a traffic impact analysis would be required; depending upon the results of the analysis the applicant might be required to construct a deceleration lane, acceleration lane, or turn lane into the development. He stated the requirements were determined case by case.

Commissioner Dorrell asked who currently maintained the creek. Mr. Skates responded the creek belonged to the property owners and the City maintained the portion which crossed New Orleans.

Mr. David Center commented he was not asking for a fence or a wall to be installed. He stated he felt planting material would screen the property and would be nicer to look at than a wall or a fence. He wanted to know how much plant material was appropriate, what size trees, mature or immature, etc.

Commissioner Dorrell stated he felt drainage would be addressed and the lighting was appropriate. He stated he did not feel a wall would be appropriate or attractive screening. He stated his biggest concern was the traffic. He stated he understood there would be a traffic impact study, but traveling on 1st Place was already busy, especially with the school. He commented the Planning Commission was a recommending body only; this would go to the City Council for approval.

Commissioner Aguirre stated while he was concerned about the traffic, he felt a traffic study would resolve the potential issues, and the frequency of the events would have an impact as well. He stated his biggest concern was noise pollution; however, it seemed noise pollution would be addressed. He stated if the structure itself was sound proof that alone would mitigate most of the noise.

Vice Chairperson Whelpley stated his biggest concern was the lack of communication between the developer and the neighbors. He stated he felt the developer should hold meetings with the neighbors; this was extremely important. Commissioner Dorrell concurred.

MOTION: A motion was made by Fred Dorrell, seconded by Pablo Aguirre.
Move to approve Item 6A, SP-289, as per Staff recommendation to include the narrative and a traffic impact study

Aye: 3 - The motion carried by the following vote:
Pablo Aguirre, Fred Dorrell, Lee Whelpley

Vice Chairperson Whelpley stated Item 6A would go before City Council on September 18, 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.

Commissioner Dorrell stated the Planning Commission concerns went on record for the City Council; he recommended holding an informative developer/neighbor meeting prior to the

Mr. Denison stated he and his client wanted to be good neighbors. He asked if there was a recommended venue or an appropriate action in regard to reaching out to neighbors. Discussion ensued regarding contacting a local venue or church, speaking with the Planning Commission attendees, and contacting the home owners associations.

B. 18-969 Public hearing, consideration, and possible action regarding PUD-180D (Planned Unit Development), a request for a minor amendment to PUD-180B, Tuscan Plaza II, 1.16 acres, CG/PUD-180B, south of the southeast corner of Albany Street and 9th Street

Ms. Amanda Yamaguchi reported PUD-180D was a minor amendment to PUD-180B. She reported the property was currently zoned CG commercial general and was platted as lot 1, block 1 of Tuscan Plaza. She stated the applicant requested the maximum 3,500 square foot building area requirement on this property be increased to 5,000 square feet of building floor area. She reported the request for an increase in the floor area did not exceed the maximum ratio permitted by the CG zoning district. She stated PUD-180, which contained a total of 8.97 acres, was approved by the City Council on November 5, 2007, and divided the property into three development areas: retail plaza, out parcel A and out parcel B. She stated the property was platted as Tuscan Plaza and out parcel A and B were developed with a pharmacy and a bank. She stated lot 1, block 1 of Tuscan Plaza which contained 5.99 acres was proposed as the retail plaza area for the PUD with retail and office uses. She stated PUD-180A, a major amendment to PUD-180, modified the sign regulations and was approved by the City Council on August 5, 2008. She stated in PUD-180, lot 1, block 1 of Tuscan Plaza was initially planned to be one building, two stories in height with office and retail uses. She stated on July 25, 2013 the Planning Commission approved PUD-180B which divided lot 1, block 1 into three separate development areas: A, B and C, with a mix of both retail and office buildings. She reported Development Area A to the northeast of the property was modified by PUD-180C by the Planning Commission on August 24, 2017. She stated PUD-180C was a minor amendment and requested to reduce the number of parking spaces from 78 to 35 for a financial institution. She stated the property was designated Level 4 in the Comprehensive Plan and the changes requested with PUD-180D were considered to be in compliance with the Comprehensive Plan in Level 4. She stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended PUD-180D, the minor amendment to PUD-180B, be approved as presented. She stated as the property had already been platted, Staff recommended platting be waived.

Mr. Erik Enyart with Tanner Consulting stated his address was 5323 South Lewis Avenue, Tulsa. He stated he represented the client in this matter who was in agreement with Staff recommendations.

Commissioner Dorrell asked what the 5,000 square foot building would be. Mr. Enyart responded he was not certain; he believed it would be financial. Commissioner Dorrell asked if the building was located between the bank and CVS along Lynn Lane. Mr. Enyart responded in the affirmative; immediately south of the CVS. He stated the use would be permitted by the PUD.

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

MOTION: A motion was made by Fred Dorrell, seconded by Pablo Aguirre.

Move to approve Item 6B, PUD-180D, as per Staff recommendation

The motion carried by the following vote:

Aye: 3 - Pablo Aguirre, Fred Dorrell, Lee Whelpley

Vice Chairperson Whelpley stated Item 6B would not go before City Council.

C. 18-985 Public hearing, consideration, and possible action regarding BAZ-2011, Fire Station No. 3, 3.03 acres, 1 lot, A-1 to CG, one-half mile south of Florence Street, west of 23rd Street, north of the Creek Turnpike

Mr. Brent Murphy reported BAZ-2011 was a request to change the zoning on a 3.03 acres parcel from A-1 to CG, commercial general. He stated, if approved, the City of Broken Arrow would purchase the property with the intent to build a new fire station. He reported the property was designated Level 6 in the Comprehensive Plan and CG zoning was considered in compliance with the Comprehensive Plan in Level 6. He stated the facility which would be developed was a public safety facility which was allowed in the CG zoning. He stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended BAZ-2011 be approved subject to the property being platted with an allowance of an application for a lot split for transfer of title and the use and zoning contingent on the property being platted.

Commissioner Dorrell asked how many fire stations were in Broken Arrow. Mr. Murphy

responded he believed there were 7 fire stations.

Vice Chairperson Whelpley opened up the Public Hearing for Item 6C. He asked if any present wished to speak regarding Item 6C.

Mr. Mike Summer stated his address was 8615 South 74th East Avenue, Broken Arrow. He stated he was concerned about drainage and flooding in the area. He stated he approved of the fire station, but was worried once it was built drainage in the area would worsen.

Mr. Skates stated the City would follow code and a detention determination would be made. He stated there was a small creek which ran across the southwest corner of the property and the intention was to ensure no additional water went off site in an unnatural way. He stated every effort would be made to control the water and prevent additional flooding.

Mr. Dennis Weese stated his address was 19491 East 115th Street, Broken Arrow. He stated part of his property on the north was a retention pond. He stated the fire station property drained to the east and entered the sewers incorporated into County Line Road which fed into his retaining pond. He stated, unfortunately, there was a spillway which continued the water to the east, and his neighbor to the east had filled in the drainage ditch which caused flooding into neighbor's yard. He stated he was concerned the problem would worsen with the construction of the fire station. He asked if someone from the City could come and take a look at the pond on his property and the drainage ditch next door to ensure the situation was understood.

Mr. Skates asked Mr. Weese to leave his contact information with Jane Wyrick who would have the Engineering Director contact Mr. Weese if the project was approved.

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

MOTION: A motion was made by Fred Dorrell, seconded by Pablo Aguirre.

Move to approve Item 6C, BAZ-2011, as per Staff recommendation

The motion carried by the following vote:

Aye: 3 - Pablo Aguirre, Fred Dorrell, Lee Whelpley

Vice Chairperson Whelpley stated Item 6C would go before City Council on September 18, 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.

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)

There were no Remarks, Inquiries and Comments by Planning Commission and Staff.

10. Adjournment

The meeting adjourned at approximately 5:59 p.m.

MOTION: A motion was made by Pablo Aguirre, seconded by Fred Dorrell.

Move to adjourn

The motion carried by the following vote:

Aye: 3 - Pablo Aguirre, Fred Dorrell, Lee Whelpley

Mayor

City Clerk