



# City of Broken Arrow

## Minutes 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*

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**Thursday, December 20, 2018**

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

**Council Chambers**

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### 1. Call to Order

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. 18-1506 Approval of PT18-110, Conditional Final Plat, Casey's General Store 2, Lot 1, Block 1, 1.31 acres, 1 Lot, CG, northeast corner of Aspen Avenue (145th East Avenue) and Florence Street (111th Street)**

Ms. Yamaguchi stated the applicant was in agreement with the Staff Report, but unable to attend the Planning Commission Meeting.

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 Item 4A was to be removed from the Consent Agenda; it was not.

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

**Move to approve the Consent Agenda per Staff recommendations**

The motion carried by the following vote:

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

Chairperson Jones stated Item 4A would go before City Council on January 15, 2019 at 6:30 p.m. He explained if any individual desired to speak regarding Item 4A, said individual was required to fill out a Request to Appear before City Council form in advance.

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

No Items were removed from the Consent Agenda. No action was needed or taken.

### 6. Public Hearings

**A. 18-1400 Public hearing, consideration, and possible action regarding BAZ-2017, International Christian Assembly of Tulsa, 5.12 acres, R-1 to ON and the abrogation of a portion of SP-74 and SP-74A, north of Houston Street (81st Street), one half mile east of Garnett Road (113th East Avenue)**

Senior Planner Brent Murphy reported BAZ-2017 was a request to change the zoning from R-1 (single family residential) with SP-74 and SP-74A, to ON (office neighborhood). He stated this property was platted as part of Lot 1, Block 1, of the Forest Hills Health Care Center and the International Christian Assembly of Tulsa proposed to build a new church on the property. He explained churches were classified as places of assembly which was a permitted use in the ON district. He stated according to FEMA this property was not located within the 100-year flood plain. He reported the Comprehensive Plan showed this site to be designated Level 3 and ON zoning was considered to be in accordance with the Comprehensive Plan in Level 3. He stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended BAZ-2017 be approved, platting be waived, and SP-74 and SP-74A be abrogated.

The applicant, Dr. Zack Varughese, stated his address was 216 N. Luther Drive, Broken Arrow, OK 74012. He stated he was in agreement with Staff recommendations.

Chairperson Jones opened the Public Hearing for Item 6A. He asked if any present wished to

speaking regarding Item 6A.

Mr. Shelby Scott stated his address was 4250 W. Houston, Broken Arrow, OK 74012. He reported he was the CEO of the property contiguous to the parcel for which the zoning adjustment was requested. He stated while he welcomed a church to the property he was concerned about access and inadequate infrastructure. He explained access to the church would be through the fenced entrance gate of the nursing home which was confusing; most would attempt to gain access to the church property through his property which would be problematic and burdensome. He stated he was worried about fire hydrant access, the City not having appropriate easement access, and possible sewer flooding. He reported his property had been flooded several times by the sewer system causing several hundred thousand dollars in damage. He stated the Sewer Department indicated the flooding was caused by the grease and adult diapers disposed of by the adjacent property. He stated he worried the church would also be prone to flooding. He stated the sewage flowed out of the clean-outs located on the prospective church property, over the ground and onto his property into the yard and playground. He stated it often flowed out of the manhole cover onto the street and sidewalk. He stated the City indicated it was powerless to do anything to prevent the flooding if the nursing home did not change its ways. He was concerned this would worsen if a church was built next door. He stated he was also concerned about flooding from the creek; increased hard surface area would increase the frequency of 81<sup>st</sup> Street flooding.

Chairperson Jones stated while he understood Mr. Scott's concern, the Planning Commission was reviewing appropriateness of land use, not sewer capacity or flooding. He asked if any other present wished to speak regarding Item 6A. Seeing none, he closed the Public Hearing.

Dr. Varughese stated the entrance of the property had 200 feet on Houston Street and the access was 80 feet wide which allowed plenty of space for ingress and egress to the parking lot; therefore, he did not feel there would be confusion regarding entry onto the church property. He stated his property would be connected to a separate sewage line, which would be connected to the main sewage line on Houston Street, which he felt would prevent the church from contributing to further flooding.

Chairperson Jones asked if the City had reviewed and approved the ingress/egress for this property. Plan Development Manager Larry Curtis responded this would be reviewed during the site plan process which would include engineering reviews to ensure proper development of the site including perviousness, on-site detention, ingress/egress, etc. He stated he would ensure sewer and water was also addressed at the same time. Chairperson Jones asked if Mr. Scott would be able to review the site plan and ask questions. Mr. Curtis responded in the affirmative. Chairperson Jones encouraged Mr. Scott to stay in touch with Staff and review the site plan to allay his concerns.

Development Services Director Michael Skates stated Mr. Scott's comments would be taken under advisement and Staff would visit with the various appropriate departments to address Mr. Scott's concerns.

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

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

The motion carried by the following vote:

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

Chairperson Jones stated Item 6A would go before City Council on January 15, 2019 at 6:30 p.m. He explained if any individual desired to speak regarding Item 6A, said individual was required to fill out a Request to Appear before City Council form in advance.

- B.    18-1402    Public hearing, consideration, and possible action regarding BAZ-2018, Indian Springs Elementary School site, 10.66 acres, R-2 to ON, one-half mile south of Jasper Street (131st Street), one-quarter mile east of Aspen Avenue (145th East Avenue)** Mr. Brent Murphy reported BAZ-2018 was a zoning change request from R-2 (single family residential) to ON (office neighborhood). He reported in 1972 Indian Springs Elementary School was constructed on the property; in 2013 the school was vacated and was no longer used by the school district. He stated none of the property was platted and Staff did not know what the future proposed use would be for this property; however, ON district was strictly limited, only permitting office and financial type use. He stated in October 2016 City Council approved BACP-155 which was a request to change the Comprehensive Plan designation on this property from Public/Semi-Public to Level 3. He explained BACP-155 was approved subject to the property being platted and all future rezoning applications were limited to office-type use through the PUD process. He stated while a PUD was not submitted with the rezoning application, a PUD had since been submitted and the PUD would be heard by the Planning Commission on 01/10/2019. He stated with approval of BACP-155 this property was designated as Level 3 in the Comprehensive Plan and ON was considered in accordance with the Comprehensive Plan in Level 3. He stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended BAZ-2018 be

approved subject to the same conditions associated with BACP-155 and as per BACP-155 a PUD limiting the use of the property to office use only would be submitted to City Council; in addition, as part of BACP-155 the property would be platted.

The applicant, Michelle Bergwall, COO for BA Schools, stated her address was 701 S. Main Street, Broken Arrow. She stated the school was vacated in 2013 and the School Board wished to sell the property. She stated rezoning to Office Neighborhood would enable the sale of the property.

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

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

**Move to approve Item 6B per Staff Recommendations**

The motion carried by the following vote:

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

Chairperson Jones stated Item 6B would go before City Council on January 15, 2019 at 6:30 p.m. He explained if any individual desired to speak regarding Item 6B, said individual was required to fill out a Request to Appear before City Council form in advance.

**C. 18-1398 Public hearing, consideration, and possible action regarding BAZ-2019, McGraw Expansion, 0.45 acres, R-3/DROD (Downtown Residential Overlay District) Area 1 to DM/DROD Area 6, one-eighth mile north of Houston Street (81st Street), one-half mile east of Elm Place (161st East Avenue) on the northeast corner of Ash Avenue and Galveston Street**

Mr. Brent Murphy stated BAZ-2019 was a request to change the zoning designation from R-3/DROD (single family residential/Downtown Residential Overlay District) Area 1 to DM/DROD (downtown mixed use/Downtown Residential Overlay District) Area 6. He stated presently there was a single family residential structure on the property along with accessory buildings. He stated the applicant was interested in purchasing the property and removing the existing structures to construct a parking lot for a new building construction in the parking lot which existed next door along Main Street. He indicated a parking analysis was included in the Planning Commission Report. He reported the Comprehensive Plan showed the site as Level 5, and DM zoning in conjunction with an Area 6 designation was in accordance with the Comprehensive Plan in Level 5. He stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended BAZ-2019 be approved, and as the property was already platted, Staff recommended platting be waived.

The applicant, Jim Roberts stated his address was 4105 S. Rockford Avenue, Tulsa, OK 74105. He stated he agreed with Staff recommendations.

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

Mr. James Fenton stated his address was 523 ½ S. Ash Avenue, Broken Arrow, OK 74012. He stated he wondered how the rezoning would affect him. He stated he felt he did not receive sufficient notice of the potential change.

Chairperson Jones stated property owners within a 300 foot radius of the external boundary of the property in question were sent a letter of notification. He asked Mr. Fenton if he owned a property within 300 feet of the property in question. Mr. Fenton responded in the negative; he rented his property. Chairperson Jones stated notice was also posted on the property via a yellow sign 20 days prior to the Planning Commission Meeting and published in the newspaper.

Mr. Fenton stated the owner of the property had indicated he could rent the property for 2 to 5 years and he asked how the rezoning would affect his renting of the property. Chairperson Jones asked if he lived in the home on the property which was being rezoned. Mr. Fenton responded in the affirmative. Chairperson Jones stated he was unable to answer Mr. Fenton's question, Mr. Fenton needed to contact the property owner. He explained the Planning Commission only evaluated whether it was appropriate to rezone the property to DM. He stated he wished he could help Mr. Fenton further; however, this was a private matter between Mr. Fenton and the property owner.

Ms. Beth Millikan stated her address was 524 S. Ash Avenue, Broken Arrow, OK 74012. She stated she lived across the street from this property. She stated the current parking lot was empty 90% of the time and there were teenagers and other hooligans who hung out in this parking lot and were extremely disruptive during the evening hours. She stated building another parking lot across the street would only worsen this situation. She stated she called the police and while BAPD was an excellent police department, putting more traffic on the street, with another empty parking lot at night, would put more stress on the neighborhood,

especially for her as it would be located directly across the street from her home.

Chairperson Jones stated he understood the applicant desired to build private parking for a private facility. Ms. Millikan stated this would still result in an empty parking lot at night which enabled, even encouraged loitering and other criminal behavior.

Chairperson Jones stated, knowing this, Staff would ask the Police Department to be more proactive in her area. He explained it was his responsibility to determine if DM was an appropriate use for this property.

Chairperson Jones asked if any others wished to speak regarding Item 6C. Seeing none, he closed the Public Hearing for Item 6C. He asked Mr. Roberts if the proposed parking lot was intended for private use. Mr. Roberts responded in the affirmative; it would be for the McGraw offices.

Ms. Bobby Haddock stated she had a question. Chairperson Jones stated the Public Hearing was closed, but he would allow her to speak. Ms. Haddock stated her address was 513 S. Ash Avenue, Broken Arrow, OK 74012. She stated she owned May Brigade which was located next to the property. She stated she was not opposed to the proposed parking lot. She asked if the existing easement and alleyway between McGraw and her buildings would remain. Mr. Curtis responded this was not being decided today; however, there was no request to close the alleyway, and if there were a request to close the alleyway the request would go before City Council, and Ms. Haddock would be notified in advance.

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

**Move to approve Item 6C per Staff Recommendations**

The motion carried by the following vote:

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

Chairperson Jones stated Item 6C would go before City Council on January 15, 2019 at 6:30 p.m. He explained if any individual desired to speak regarding Item 6C, said individual was required to fill out a Request to Appear before City Council form in advance.

**D. 18-1410 Public hearing, consideration, and possible action regarding PUD-284 (Planned Unit Development) and BAZ-2020 (Rezoning), Attic Storage, B.A., 10.15 acres, R-2/CH to PUD-284/CH and IL, located one-quarter mile east of Aspen Avenue (145th East Avenue), north of Tucson Street (121st Street)**

Planner II Jane Wyrick reported with PUD-284 and BAZ-2020 the applicant proposed to develop the property with commercial and mini-storage uses. She stated the project site was rezoned to CH (commercial heavy) in 2017 as part of a larger 40 acre site and the approval was subject to platting. She stated the property had not yet been platted. She stated the project site consisted of two development areas, Area A and Area B. She indicated Area A at the south end of the site consisted of 2.98 acres and was planned for approximately 8500 sq. foot commercial use; Area A would be developed by others in the future and it was anticipated to be used for retail and/or restaurant. She stated development Area B consisted of 7.18 acres and was planned for light industrial use; two buildings were proposed including a 112,700 sq. foot two story mini storage building to the north, and a 36,000 sq. foot two story office warehouse building to the south which would be developed later by others, as well as site improvements associated with this development. She stated an industrial minor street was proposed to access the site from West Tucson Street, a primary arterial; right of way was required to be 60 feet and currently 50 feet of right of way was dedicated; therefore, additional right of way and a utility easement would be required when the site was platted. She explained the Engineering Design Criteria Manual stated streets that intersected with arterial streets would match the location of existing or proposed streets of adjoining subdivisions and as such the street for Attic Storage would align opposite South Sycamore Avenue. She stated the deviations requested through the PUD included a mini storage parking requirement reduction of 25%, and allowance of a 30 foot east side setback in Area A which was adjacent to A-1 zoning. She explained typically set back was required to be 50 feet when adjacent to A-1; however, it was anticipated the adjacent A-1 property would be rezoned to industrial or commercial use. She reported the site sloped to the west where there was a blue line stream and the property owner was required to establish a City of Broken Arrow regulatory flood plain as development progressed. She stated in commercial heavy districts mini storage use required a Specific Use Permit and was limited to just 20% of the lot area, whereas mini storage was a permitted use in the IL district. She stated the property associated with PUD-284 was designated as Level 6 in the Comprehensive Plan, the development proposed was considered in compliance with the Comprehensive Plan in Level 6, and IL was considered in accordance with the Comprehensive Plan in Level 6 with approval of a PUD. She stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended approval of PUD-284 and BAZ-2020 subject to the conditions of approval included with the Report: platting within one year of approval and dedication of additional right of way and utility easement.

Chairperson Jones stated his firm had done previous work associated with this development and he felt it would be best if he recused. Chairperson Jones left the room and returned following the discussion and vote for Item 6D.

The applicant, Malek Elkhoury, stated his address was 1435 E. 41<sup>st</sup> Street, Tulsa, OK 74105. He stated he was in agreement with Staff recommendations. He asked for Planning Commission approval.

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

Vice Chairperson Whelpley asked if a frontage road was intended alongside the creek on the north end of the property. Mr. Michael Skates stated a frontage road would come off Aspen, head into the area where BAZ-2020 was located, and circulate back around down to Tucson, but it would not go through this proposed development area and/or onto the shops at Aspen Creek. Discussion ensued regarding connection points, street stubs, substreet locations, a possible future street system to serve the remainder of the property, and Fire Department access.

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

**Move to approve Item 6D per Staff Recommendations**

The motion carried by the following vote:

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

Vice Chair Whelpley stated Item 6D would go before City Council on January 15, 2019 at 6:30 p.m.

**E. 18-1529 Public hearing, consideration, and possible action regarding the proposed modifications to Sections 5.8.D (Downtown Residential Overlay District) of the Broken Arrow Zoning Ordinance**

Ms. Amanda Yamaguchi reported Item 6E was for the proposed modification to section 5.8.D of the Zoning Ordinance, a proposed update to the Downtown Residential Overlay District requirements. She reported the DROD was approved by City Council in December 2017 and had been in effect since January 2, 2018. She indicated since that time approximately seven houses had been constructed in the Downtown area using the DROD requirements. She explained the items proposed to be updated included removal of transitional setbacks, along with further definition of finished floor heights and maximum wall widths in the single family residential section of the DROD.

Mr. Curtis added this document had been active for a year now and as with any newly enacted Ordinance modifications needed to be made. He commented it was a tribute to Staff's efforts in attempting to provide the best document possible that only these minor modifications were required.

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

MOTION: A motion was made by Fred Dorrell, seconded by Lee Whelpley.

**Move to approve Item 6E per Staff Recommendations**

The motion carried by the following vote:

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

**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)**

Chairperson Jones introduced the new Assistant City Attorney Danny Littlefield. He stated Ms. Lesli Meyers transferred to the City of Tulsa. Mr. Curtis stated Mr. Littlefield was only filling in temporarily. Mr. Littlefield stated he was the City Prosecutor and he believed Ms. Tammy Ewing would be attached to the Planning Commission.

Vice Chairperson Whelpley and Mr. Larry Curtis wished the Planning Commission, Staff and all present a Merry Christmas and a Happy New Year.

**10. Adjournment**

The meeting adjourned at approximately 5:44 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

\_\_\_\_\_  
City Clerk