



City of Broken Arrow

Minutes Planning Commission

Chairperson Lee Whelpley
Vice Chair Ricky Jones
Member Fred Dorrell
Member Carolyne Isbell-Carr
Member Mark Jones

City of Broken Arrow
Council Chambers
220 S 1st Street
Broken Arrow OK
74012

Thursday, January 25, 2018

5:00 PM

Council Chambers

1. Call To Order

Meeting was called to order by Chairperson, Lee Whelpley at 5:00 p.m.

2. Rollcall

Present 3 - Mark Jones, Fred Dorrell, and Lee Whelpley
Absent 2 - Carolyne Isbell-Carr, and Ricky Jones

3. Old Business

None.

4. Consideration of Consent Agenda

Staff Planner, Amanda Yamaguchi presented the background for the Consent Agenda Items.

Lee Whelpley explained the Consent Agenda and asked if anyone wished to remove any items for discussion. No one responded.

A. [18-207](#) **Approval of Planning Commission meeting minutes of January 11, 2018**

A MOTION was made by Fred Dorrell to approve the Consent Agenda, per Staff recommendations. The motion was seconded by Mark Jones. The motion carried the following vote:

Aye: 3 - Mark Jones, Fred Dorrell, and Lee Whelpley

B. [18-203](#) **Approval of BAL-1086A, Hillside Crossing, Block 2, Lot 4, Tract B, Lot Split, 2.02 acres, PUD-207/CH, south of Hillside Drive, north of Broken Arrow Expressway, west of 9th Street**

A MOTION was made by Fred Dorrell to approve the Consent Agenda, per Staff recommendations. The motion was seconded by Mark Jones. The motion carried the following vote:

Aye: 3 - Mark Jones, Fred Dorrell, and Lee Whelpley

5. Consideration of Items Removed from Consent Agenda

None.

6. Public Hearings

A. [18-144](#) **Public hearing, consideration, and possible action regarding PUD (Planned Unit Development)-207G, a minor amendment to PUD-207, Hillside**

Crossing, 2.02 acres, PUD-207/CH, north of the Broken Arrow Expressway, west of 9th Street

Senior Planner, Brent Murphy explained the background for Item 6A saying, Planned Unit Development (PUD)-207G is a request for a minor amendment consisting of two acres associated with the Hillside Crossings subdivision located north of the Broken Arrow Expressway, west of 9th Street. The parcel related to the PUD request was created as a part of a lot split that was approved by the Planning Commission in December 2015.

Mr. Murphy said the lot split, just approved on the Consent agenda, BAL-1086A, is associated with this property. The lot split divides the property into two lots. The north proposed parcel will have frontage onto Hillside Drive, while the southern proposed parcel does not have direct access to the Broken Arrow Expressway; therefore, the applicant is requesting that the Access and Circulation section of PUD-207 be modified to allow the property to be split into two lots with access to the southernmost tract occurring via the existing mutual access easement along the east boundary.

Brent Murphy said, based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-207G be approved as presented. Since the property has already been platted, Staff recommends that platting be waived.

Lee Whelpley asked the applicant to step to the podium and state their name and address, for the record.

Scott Rodehaver, Wallace Engineering, 200 E. Brady, Tulsa said they agree with the Staff report.

Lee Whelpley opened the public hearing for Item 6A, PUD-207G and asked if anyone wished to speak on the item. No one responded. Mr. Whelpley closed the Public Hearing for Item 6A.

A MOTION was made by Mark Jones to approve Item 6A, PUD-207G, per Staff recommendation. The motion was seconded by Fred Dorrell. The motion carried the following vote:

Aye: 3 - Mark Jones, Fred Dorrell, and Lee Whelpley

B. [18-204](#) Public hearing, consideration, and possible action regarding PUD (Planned Unit Development) 270, Rose Event Center 0.48 acres, DM to PUD-270/DM, between Indianola Street and Jackson Street along South Main Street

Plan Development Manager, Larry Curtis presented the background for Item 6B saying, Planned Unit Development (PUD)-270 involves a 0.48-acre tract located between Indianola Street and Jackson Street along the west side of South Main Street. Applicant is proposing to use the existing building for an indoor event facility. According to the applicant, the proposed “Rose Event Center” will provide a venue for weddings, receptions, class reunions, family reunions, etc.

Mr. Curtis said facilities used as primarily as event centers, such as the proposed “Rose Event Center”, are categorized as Places of Assembly and are allowed in by right in ON (Office Neighborhood) zoning districts or by Specific Use Permit within all Agricultural, Residential,

Mixed-Use, and Commercial/Office zoning districts.

Larry Curtis said the City of Broken Arrow Zoning Ordinance states that for Specific Use Permits to be approved they would need to meet several criteria. The proposed Rose Event Center meets all but one of the requirements of a Specific Use Permit, and that having less than a net lot area of two (2) acres. However, instead of a Specific User Permit, applicant has submitted a PUD.

No new buildings are being proposed and the existing building would be used. With PUD-270, applicant is suggesting that an 8-foot fence could be constructed along the abutting residential district is necessary. Also, PUD-270 states that, no outdoor music will be allowed on the premises, and that hours will be limited to 2:00AM unless there is a lock-in party.

The surrounding properties are zoned DM to the north, the east and the south, and the property to the west is zoned R-3. The property associated with PUD-270 is designated as Level 5 in the Comprehensive Plan. The Comprehensive Plan states "Conservation, preservation, and redevelopment is encouraged in Level 5." With PUD-270, applicant is trying to preserve the existing structure on the property. Therefore, the development proposed with PUD-270 in accordance with the Comprehensive Plan. The property associated with PUD-270 has been platted as part of the Fears Addition. According to the FEMA maps, none of the property associated with PUD-270 is located within a 100-year floodplain area.

Larry Curtis said Staff recommends that PUD-270 be approved subject to the following:

1. Since the property has already been platted, Staff recommend that platting be waived.
2. A 6 to 8-foot fence is constructed along the west and south property line within six months.
3. Applicant is aware that the property will have to abide by current and future city noise ordinances.

Lee Whelpley asked the applicant to step to the podium and state their name and address, for the record.

Mike Wedel, 808 S. Main Street said he agrees with Staff recommendations.

Lee Whelpley opened the public hearing for Item 6B, PUD-270 and asked if anyone wished to speak on the item.

Linda Johnson, 801 South Main, said she works at Arrow Exterminators, across the street from the Event Center. She said the Event Center guests use the Exterminator parking lot for parking and have littered in it as well. She said there are loud late-night parties at the Event Center and the owner of Rose Event Center parks his limo in a manner that blocks the parking lot to the Exterminators. She said they have called the police on the matter and then the owner of the Event Center makes threats toward them. Ms. Johnson said she is against PUD-270.

Debbie Agner, 824 South Main, representing Raska Nursery said the Event Center has created trash issues and parking issues, as the event guests are using Raska's parking lot for their use.

She said there have been confrontations and loud noise from guests at the Event Center. Ms. Agner said she is against this application.

Lee Whelpley asked if anyone else wished to speak on Item 6D. No one responded. He closed the public hearing.

Mark Jones said he is somewhat familiar with this piece of property and has some concerns. Parking is not adequate and providing a blanket PUD to allow parties to last until 2a.m. could be problematic. He said the conditions presented have him somewhat leery of approving the item. The only other place to park would be to the north of the business which is an arterial street and narrow. The neighborhood to the west, will be subject to the events. He said he has concerns.

Lee Whelpley asked how many parking spots are proposed for the PUD.

Larry Curtis said there is limited parking on the site. The property is in the DM District and the DM zoning district does not require on-site parking, as it is a part of the downtown corridor and Downtown Master Plan. Parking along the street in the DM district is encouraged.

Mark Jones said the result is people using other people's private property which is problematic.

Lee Whelpley said whenever an application for a church is presented, the Commission always concerns themselves with the parking and when people will be leaving the event.

Michael Skates, Director of Development Services said once the issues caused by the Event Center were brought to Staff's attention, regarding trash, noise and confrontations, Staff met with the applicant, owner and Police Chief to resolve the issues. Things have been cleaned up and resolved since that time and the police watched the property, during the holidays, and noticed no violations.

Mr. Skates said through the PUD, the hours of operation are limited to avoid loud, all-night parties. In addition, a fence is recommended to be installed to provide screening between the back area and the residential area to the west. No one is to be outside of the Event Center, as in the past guests had been going out the back door and creating issues in the back. This issue has since been resolved. He said since the issues were brought to Staff's attention, and with the help of the police department, the issues have drastically improved.

Lee Whelpley asked if the fence will be a privacy fence.

Michael Skates said yes, the fence will be a privacy fence. He said behind the building is a gravel area where the applicant parks a limo and a motorhome was previously parked in the grass which has now been moved to a paved surface. The fence will allow the limo and motorhome to be blocked from view. The fence will also protect the area from east to west, from the Raska Nursery. A fence is not recommended for the north side of the property. Mr. Wedel has been made aware that if activities that take place inside the facility migrate outside, that the police will shut it down and Mr. Wedel could potentially be arrested.

Mark Jones asked if alcohol would be served.

Michael Skates suggested the applicant answer the questions.

Mike Wedel said he re-did the outside of the building, adding awnings and updated the outside of the building. He said there are no outside parties and feels there is plenty of parking. He said he has worked with Mr. Raska to make sure that no one parked in front of Raska's Nursery when it was open. He said most events occur in the evening.

Mr. Wedel said he has cooperated with the City and police to resolve past issues. He provided letters from previous guests of the Event Center voicing support of his business. He said he feels he is an asset to the community and has brought events to Broken Arrow, from Tulsa, and has been at this location for two years.

Lee Whelpley asked what the size of events usually are.

Mr. Wedel said 50 to 100 people. He said this does not cause that many cars and is not a parking problem.

Michael Skates said the number of people allowed is not part of the PUD; however, because this use is for assembly the facility must be posted for occupancy. The Fire Chief and Chief Building Inspector have met with Mr. Wedel and agreed to get the property posted.

Mike Wedel said the posting is for more people than what he wants to allow. He said the posting was for approximately 280 people and he would like to keep events to no more than 100 people. He provided pictures of the previous events that have been held at the facility.

Michael Skates said one event occurred resulting in someone speaking at City Council. This is resulting in Staff looking at the property and contacting the property owner and the applicant. Shortly after, the property was posted for weeds trash and debris. There were some beer bottles. Mr. Wedel cleaned it up and took care of the problems.

Lee Whelpley asked how long this business has been operating in Broken Arrow.

Mr. Wedel said two years, in Broken Arrow. He said he's been a Broken Arrow Chamber member for ten years.

Lee Whelpley asked Staff why this is just now being talked about and brought before the Planning Commission when the business has been in operation for two years.

Michael Skates said sometimes property's change use and the City is not always made aware of the changes. Staff never received any complaints on this property until a few months ago, thus alerting Staff.

Mike Wedel said the facility was used for weddings and a chapel and consignment prior to his

taking over the building.

Lee Whelpley asked if the previous owner had a specific use permit.

Mr. Wedel said he did not know.

Michael Skates said if he thought it had been a social event facility that was used for a church type use that may have been in use for a long period of time. He said it was not an assembly type use.

Lee Whelpley asked if the property to the north of this facility is owned by Mr. Wedel.

Mike Wedel said the property is owned by Mike Rathbone to the north and the event center.

Assistant City Attorney II, Kim Slinkard said the police department responded to the event location during the fall regarding a parking dispute over who owned the property. The legal department was called and advised that the parking spots are public parking spots. She said there have been disputes reported but it has been a few months since those issues took place.

Mike Wedel said he has worked with Charlie Raska and told people not to park in his Raska's parking area, when they are open. Mr. Wedel said that he and Mr. Raska have not had any in-person problems. He said they talk to one another often.

Fred Dorrell asked if the property is leased out for use, or if Staff attend the events.

Mike Wedel said he is there most of the time. He referenced the pictures he provided and detailed each room use in the center. He said he has not received any noise complaints.

A MOTION was made by Fred Dorrell to approve Item 6B, per Staff recommendations. The motion was seconded by Mark Jones. The motion carried the following vote:

After the vote, Lee Whelpley said Item 6B will be heard by the City Council on February 20th, 2018, at 6:30 p.m. He said anyone who wishes to speak at Council must fill out a request to speak form.

Aye: 3 - Mark Jones, Fred Dorrell, and Lee Whelpley

C. [18-196](#) Public hearing, consideration, and possible action regarding PUD (Planned Unit Development) 271 and BAZ-1994, Bill Knight Collision, 2.74 acres, CH, north of Kenosha Street, west of 9th Street

Jane Wyrick, Planner II, explained the background for Item 6C saying, Planned Unit Development (PUD) 271 and BAZ-1994 involve a 2.74-acre undeveloped tract located north of Kenosha Street, west of 9th Street. Applicant is requesting that a portion of the site (1.96 acres) be rezoned from CH (Commercial Heavy) to IL/PUD-271 (Industrial Light) and that PUD-271 be approved for the entire site.

The project site was originally platted as part of Lynn Lane Terrace and later amended as Lynn Lane Terrace Amended. The site was created from a lot split that resulted created two new tracts including the Andy's Custard site that is now located and the 2.74-acre site that is the subject of the current rezoning and PUD request.

Ms. Wyrick said with BAZ-1994, the applicant is requesting that the zoning designation for 1.96 acres of the 2.74-acre site, along the west and north sides of the site, be amended from CH to IL/PUD-271 to accommodate an automotive major repair use for Bill Knight Collision. The remainder of the site will remain as CH, and it is anticipated that the future use may be a fast food restaurant. PUD-271 is proposed for the entire tract.

The primary deviations from the zoning ordinance include: a reduced rear setback for Area B/restaurant site on the east, from 30 feet to 20 feet. Some metal siding is proposed on the façade along Kenosha Street and mostly metal siding along 6th Street. Subsequent to submitting the renderings and elevations, the applicant has modified the PUD to state that the building facades facing the public right-of-way, especially Kenosha Street as an arterial street, will be finished with masonry. The proposed elevations do not identify the height of any roof-mounted mechanical equipment, including the ventilation system required for auto body shops. Staff recommends that any final building elevations demonstrate that all roof-mounted equipment be completely screened from the public right-of-way. A six-foot wide internal landscape border is proposed on the restaurant site and they will maintain a ten-foot wide landscape border along Kenosha Street.

The property associated with BAZ-1994 and PUD-271 will need to be replatted because of the land use change. Access to the site is proposed to include an existing driveway along Kenosha Street that is utilized by Andy's Custard and will require a Mutual Access Easement. Two additional access points are proposed along 6th Street.

According to the FEMA maps, none of the subject property is located in the 100-year floodplain.

Jane Wyrick said the property is designated as Level 6 in the Comprehensive Plan and while IL zoning is considered to be in conformance with the Comprehensive Plan in Level 6, when it is done in conjunction with a PUD, the City Council has consistently expressed concern about major vehicular facilities, including car lots, and major car repair along this stretch of Kenosha Street from Elm Place to Lynn Lane. Some automotive facilities that have occurred in recent years, have been approved through ordinance and have required a minimum of two and ½ acres. Recent development in this corridor has shown restaurant and retail uses. Staff recommends that rotating the site plan so the major automotive repair facility is located at the rear, or north, of the site and the restaurant use along Kenosha, will allow for those types of uses to continue. With the PUD, the applicant may request an integrated development identification sign that will still provide signage use along Kenosha Street, directing people to the rear of the building.

Ms. Wyrick said based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-271 and BAZ-1994 be approved if the site plan is rotated so that the Industrial Light (IL) use is located at the rear of the site and

Commercial Heavy (CH) use is located at the front of the site along Kenosha Street, subject to the modifications that are included with the Staff report. Staff is available to answer any questions and the applicant is available, as well.

Fred Dorrell asked if the drawing presented to the Commission is the proposed building or is the drawing of what Staff recommends.

Jane Wyrick said the drawing is what is proposed.

Fred Dorrell clarified that Staff would like the proposed drawing to change to rotate the location of the building.

Ms. Wyrick said, correct.

Mark Jones asked if it would be rotated to the back of the building. Jane Wyrick said the automotive use would be in the back and the restaurant or other commercial use would be along the front, along Kenosha Street.

Lee Whelpley asked the applicant to step to the podium and state their name for the record.

Malek Elkhoury, Khoury Engineering, 1435 East 41st Street, Tulsa said Mr. Knight has a facility in Tulsa that has a lot of Broken Arrow residents as customers, so they looked for a lot to construct a building and serve Broken Arrow. He said this site became available and the price was not cheap. He said they agree with Staff recommendations; however, there are a couple of items that they are not in agreement with. One, rotating the building. He said paying prime for a piece of real estate then being told to rotate the building and putting it in the back does not seem fair. He said they would like to suggest that if the zoning is an issue, and the commercial zoning were to remain along the front, the building has an office that is approximately the first 25 feet fronting Kenosha is mainly office. He said the building looks like a commercial building, not an auto-repair shop. He said they are willing to adjust the legal description of the zoning to have the front 80 to 90 feet of the frontage to be CH and the back to be Industrial. If acceptable than leave the site plan as it is. If that is the choice then they will be in agreement with Staff recommendations.

Mr. Elkhoury said they agree with eliminating one of the driveways on 6th Street. He said they will delete the first driveway which is closer to Kenosha and leave one on the north. The building masonry is an architectural metal that is very expensive. He said if the use is the issue, it can be resolved by changing the legal description for the zoning. If the operation is an issue, Mr. Knight can explain how the business operations and Mr. Knight, and his representative are available to explain the business operations.

Bill Knight, 9607 S Memorial, Tulsa said they worked hard on designing the building to not look like a body shop. He said they are used to being in a residential area, as their south shop abuts up against a neighborhood. He said that building does not look like a typical body shop and they are used to operating out in the open, next to housing developments. All repair work occurs inside the building. They work hard to screen tow-ins that enter behind the north décor

wall.

Mr. Knight said rotating the building would be a non-starter because if they wanted to do that, they would find land in Tulsa that's already zoned commercial, and go there. He said they found this piece of property and thought it would be good site. To quantify it - last year \$3,000,000 of the Tulsa shop sales came from customers who were residents of Broken Arrow. He said it made sense to bring a facility to Broken Arrow instead of making those customers drive to south Tulsa. The proposed facility is anticipated to bring five million dollars' worth of business to Broken Arrow. They are trying to add convenience, as well as add ten to thirteen new jobs for well-paying technician positions. The rotation of the building to the back is the big issue as it defeats the purpose of buying prime real estate.

Mark Jones said he views this application as if he himself were to purchase property and was asked to rotate his building to the back of the land. He said he would not want his business pushed to the back of his property and have all the collision cars out front to be visible, and that is outside the purview of what zoning requires and things of that nature. He asked if the site plan violates any Zoning code.

Larry Curtis said the property is Level 6 of the Comprehensive Plan and as part of Level 6, IL zoning is possible with a PUD. He said because the application is not an outright zoning request of IL or CH, for this particular use, the applicant (through our Comprehensive Plan) is required to bring a PUD before the Planning Commission for approval. Through the PUD process, it is up to the Planning Commission and/or City Council to decide if the zoning is appropriate as well as the use within the area that it is being proposed in. It is the purview of the Planning Commission and City Council to make the determination. Due to the nature of the surrounding uses in the area being retail, and restaurants Staff had concerns with this proposed use.

Fred Dorrell said he agreed with what Mark said but could also see why Staff would like to move the building to the rear. He asked how many feet would be used for office space in the front.

Malek Elkhoury said the building sits about 60 feet from Kenosha right-of-way and the first 25 feet of the building, fronting Kenosha is an office, so they can change the legal description to CH to include 80 feet-90 feet of the front so technically CH would be along Kenosha and IL behind Kenosha.

Fred asked what is west of 6th Street.

Malek said Cotton Patch.

Lee Whelpley said the aerial shows the area before Andy's was built and before Cotton Patch.

Malek Elkhoury provided the Planning Commission members with photographs of the surrounding businesses.

Mark Jones said his inclination would be to approve the site plan presented. He said he was

trying to decide how they, the Planning Commission, could approve or not approve part of the PUD request when part of it is okay and the other part is not.

Larry Curtis said the site plan is not what's before the Commission; the PUD is. The alignment of the IL zoning along with the uses provided through the PUD, for that area, through the development guidelines of the PUD is what is before the Planning Commission.

Lee Whelpley opened the public hearing and asked if anyone wished to speak on Item 6C. No one responded. Mr. Whelpley closed the public hearing.

A MOTION was made by Mark Jones to approve Item 6C, PUD-271 and BAZ-1994, per Staff recommendations excluding the building rotation requirement. The motion was seconded by Fred Dorrell. The motion carried the following vote:

After the vote, Lee Whelpley said Item 6C will be heard by City Council on February 20, 2018, at 6:30 p.m.

Aye: 3 - Mark Jones, Fred Dorrell, and Lee Whelpley

D. [18-205](#) Public hearing, consideration, and possible action regarding PUD (Planned Unit Development) 272, Restore House 0.64 acres, DM to PUD-272/DM, on the northwest corner of West Knoxville Street and South Main Street

Plan Development Manager, Larry Curtis presented the background for Item 6D saying PUD-272 involves a 0.64-acre tract located on the northwest corner of West Knoxville Street and South Main Street. Applicant is proposing use the existing building and structure for an outdoor event facility. According to the applicant, the proposed "Restore House" will provide a casual place offering comfortable space for weddings, parties, gatherings, and photographers.

On June 15, 2015, the Broken Arrow City Council approved a rezoning of the property from R-3 (Single Family Residential District) to DM (Downtown Mixed-Use Core District) for commercial use. Facilities used as primarily as event centers, such as the proposed "Restore House", are categorized as Places of Assembly and are allowed in by right in ON (Office Neighborhood) zoning districts or by Specific Use Permit within all Agricultural, Residential, Mixed-Use, and Commercial/Office zoning districts.

The proposed Restore House meets all but one of the requirements of a Specific Use Permit; having less than a net lot area of two (2) acres. However, instead of a Specific Use Permit, applicant has submitted a PUD to address the two-acre requirement.

No new buildings are being proposed, and the existing building would be used. PUD-272 also states that hours will be from 8:00am - 10:00pm. In addition, it states that customers are renting the venue for specific time slots per the contract they have agreed to. To comply with the city noise ordinance, the customer is also required to acknowledge the requirement. All noise must end by 10:00PM.

The property associated with PUD-272 is designated as Level 5 in the Comprehensive Plan. The Comprehensive Plan states "Conservation, preservation, and redevelopment is encouraged in Level 5." With PUD-272, applicant is trying to preserve the existing structure on the property. Therefore, the development proposed with PUD-272 is in accordance with the

Comprehensive Plan.

The property associated with PUD-272 has been platted as part of the Fears Addition. According to the FEMA maps, none of the property associated with PUD-72 is located within a 100-year floodplain area.

Staff recommends that PUD 272 be approved subject to:

1. Since the property has already been platted, Staff recommend that platting be waived
2. A 6 to 8-foot fence be constructed along the western property line within six months.

Mark Jones said this application is like the Rose Event Center.

Larry Curtis said it is similar; however, the Rose Event Center is predominantly indoors and the Restore House is predominantly outdoors, with indoor use.

Mark Jones said he has the same concerns for this application as the last, in regard to parking; however, he does not have concerns with the hours.

Lee Whelpley asked the applicant to step to the podium and state their name and address for the record.

Nick Parker, 924 South Main Street, Broken Arrow said he agrees with the Staff report.

Lee Whelpley opened the public hearing for Item 6D and asked if anyone wished to speak on the item. No one responded. Mr. Whelpley closed the public hearing.

A MOTION was made by Fred Dorrell to approve Item 6D, PUD-272, per Staff recommendations. The motion was seconded by Mark Jones. The motion carried the following vote:

After the vote, Lee Whelpley said Item 6D will be heard by the City Council on February 20th at 6:30 p.m.

Aye: 3 - Mark Jones, Fred Dorrell, and Lee Whelpley

7. Appeals

None.

8. General Commission Business

None.

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

None.

10. Adjournment

A MOTION was made by Mark Jones to adjourn, at 5:55 p.m. The motion was seconded by Fred Dorrell. The motion carried the following vote:

Aye: 3 - Mark Jones, Fred Dorrell, and Lee Whelpley

Absent: 2 - Carlyne Isbell-Carr, and Ricky Jones