



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

Thursday, January 10, 2019

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. He introduced Tammy Ewing as the new Assistant City Attorney.

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. 19-116 Approval of Planning Commission meeting minutes of December 6, 2018**
- B. 19-122 Approval of Planning Commission meeting minutes of December 20, 2018**

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 from the Consent Agenda; there were none.

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

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

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

6. Public Hearings

- A. 19-115 Public hearing, consideration, and possible action regarding BAZ-2021, KB Rezoning, 5 acres, A-1 to RS-2, one-quarter mile south of Kenosha Street (71st Street), west of 51st Street (Evans Road)**

Ms. Amanda Yamaguchi reported BAZ-2021 was a zoning change request from A-1 (agriculture) to RS-2 (single family residential). She stated the property was annexed into the city limits of Broken Arrow from Wagoner County on June 2, 1980 by Ordinance No. 833. She explained a single family residential structure, along with accessory buildings, were presently located on the property. She indicated the applicant desired to have the ability to split the property in the future. She reported the Comprehensive Plan showed this site as Level 2, RS-2 zoning was considered to be in accordance with the Comprehensive Plan in Level 2. She stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended BAZ-2021 be approved and platting be waived subject to right of way and utility easements being provided along Evans Road in accordance with the Subdivision Regulations. She stated the applicant was in agreement with the Staff Report.

The applicant, Mr. Kenneth Barbee, stated his address was 74105 S. 225th E. Avenue, Broken Arrow, OK 74014. He stated he was in agreement with the Staff Report. Chairperson Jones asked Mr. Barbee if he understood the dedication of right of way and utility easements was required for approval. Mr. Barbee responded he was unsure exactly what this meant. Chairperson Jones explained Staff recommended approval and recommended platting be waived as long as right of way and utility easements were dedicated to the City. He explained if platting was not waived Mr. Barbee would be required, through the platting process, to dedicate the same land; however, the platting process was more complicated and expensive. Mr. Barbee stated he had a surveyor scheduled to replat his property. Plan Development Manager Larry Curtis explained a plat survey (which was what Mr. Barbee had

scheduled) was different from a subdivision plat; it was lot dimension measurement and would be filed separately as an Instrument of Deed. Chairperson Jones stated BAZ-2021 could be approved as Staff recommended subject to a plat waiver if Mr. Barbee decided to grant the right of way and easements. He explained if Mr. Barbee decided not to grant right of way and easements, the zoning would still be approved; however, Mr. Barbee would be required to file a plat on the property. He stated Mr. Barbee could meet with Staff following the meeting to review the advantages and disadvantages of the two processes.

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

Discussion ensued regarding the proper legal language of the motion to approve Item 6A.

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

Move to approve Item 6A, BAZ-2021; platting will be waived upon dedication of the right of way and utility easements being provided along 51st Street in accordance with the Broken Arrow Subdivision Regulations

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 February 5, 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. 19-110 Public hearing, consideration, and possible action regarding BAZ-2022, Snead-Allen rezoning, 64.27 acres, A-1 to R-2 and FD, one-eighth mile east of 23rd Street (County Line Road/193rd E. Avenue), one-half mile north of Florence Street (111th Street)

Senior Planner Brent Murphy reported BAZ-2022 was a zoning change request from A-1 (agriculture) to R-2 (single family residential) and FD (flood plain district). He reported this property was unplatted and contained three parcels. He explained there were four previous cases which had a bearing on the rezoning request: BAZ-1934, BAZ-1935, lot split request BAL-1072 and lot split request BAL-1074. He displayed a map and reviewed the different parcels. He reported City Council approved BAZ-1934 and BAZ-1935 in May of 2015, a zoning change from A-1 to R-2. He indicated at the time of the rezoning request the property was owned by New Heart Fellowship Church. He stated BAL-1072 and BAL-1074 were conditionally approved by the Planning Commission in May of 2015. He explained it was the intent of the church to convey the north parcel associated with BAZ-1935 to Mark Snead, and to trade the south parcel to David Allen in exchange for some property owned by Mr. Allen. He stated the property associated with BAZ-1935 and BAZ-1934 was conveyed to Mr. Snead in 2015; however, the land exchange between New Heart Fellowship Church and Mr. Allen never occurred. He indicated a site plan submitted by New Heart Fellowship Church in December of 2004 was approved with the condition of sidewalk construction along 23rd Street. He stated the revised site plan filed in 2005 showed a sidewalk along all 23rd Street as required by the Planning Commission; however, the sidewalk was never constructed. He reported lot split request BAL-1072 and BAL-1074 required a sidewalk along 23rd Street be constructed within 3 years in accordance with the subdivision regulations; the sidewalk was to be 5 feet wide and located 1 foot from the property line into the right of way. He stated a letter dated May 14, 2015, submitted to the City, indicated the Church intended to construct the sidewalk within three years from the date of the letter. He stated on November 14, 2018, Staff visited the site and observed the site still had not constructed the sidewalk. He stated on the same day a letter was sent to the Pastor of New Heart Fellowship Church requiring an update on the status of the sidewalk. He reported he and Development Services Director Michael Skates recently met with church representatives who agreed to build the sidewalk on church property in three phases, in three years, with phase 1 to be completed in 2019. He stated the parcel associated with BAZ-1935 and BAL-1074 was conveyed from New Heart Fellowship Church to Mark Snead and Ginger Snead. He stated one condition associated with BAL-1074 was, prior to the property being joined together with the abutting property to the east, the abutting property to the east needed to be rezoned to R-2. He explained this was the rezoning request before Planning Commission. He indicated it was Mr. Snead's desire to build two single family residential units on his property. He stated before this could be done the property associated with BAL-1074 would be combined with part of the property associated with BAZ-2022, and then redivided. He stated the property owned by Mr. Snead, associated with BAZ-1935 and the lot split request, had direct access to 23rd Street; in addition, the parcel owned by Mr. Snead that was part of rezoning request BAZ-2022 had access through two substreets to the north in the Elmwood Estates Addition. He stated the church still owned the property to the south and Mr. Allen desired to trade part of his land in exchange for this property. He stated Mr. Allen had access to his property through a mutual access easement. He stated the Planning Commission approved BAL-1072 with five conditions included in the Staff report, none of which had yet been met. He stated part of the property associated with BAZ-2022 was located within the 100 year flood plain of Broken Arrow Creek. He stated with the rezoning application, the applicant had submitted legal descriptions, and requested the portion of the property located

in the 100 year flood plain be zoned FD. He stated the Future Development Guide of the Comprehensive Plan showed the site to be designated Level 2 and R-2 zoning was considered to be in accordance with the Comprehensive Plan in Level 2 and FD was considered to be in compliance with the Comprehensive Plan. He stated based on the Comprehensive Plan, previous lot split approvals, location of the property and the surrounding land uses, Staff recommended BAZ-2022 be approved subject to the property be platted. He stated Staff could recommend platting be waived provided all the conditions associated with BAZ-1935, BAZ-1934, BAL-1072 and BAL-1074 were fulfilled. He stated this meant Mr. Snead needed to construct a sidewalk across the portion of his property which was associated with BAZ-1935 and BAL-1074 (the north parcel). He stated staff was in agreement and Mr. Snead indicated when he built his houses, the sidewalk would be constructed with the driveway. He stated no certificate of occupancy would be issued until sidewalk installation was completed on each property. He stated as part of BAL-1074 there was a change of access required for Mr. Allen's property.

The first applicant, Mr. Mark Snead, stated his address was 6528 E. 101st Street, Suite D1, #443, Tulsa, OK 74133. He stated he was in agreement with Staff recommendations. The second applicant, Mr. David Allen, stated his address was 10685 S. 193rd E. Avenue, Broken Arrow, OK 74014. He stated he was in agreement with Staff recommendations.

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

Ms. Susan Reynolds stated her address was 19821 E. 106th Street, Broken Arrow, OK. She asked if she was correct in understanding there would be two single family houses built on Mr. Snead's property. Chairperson Jones responded in the affirmative; he explained with R-2 zoning the property could be further subdivided through a new application for which notice would be given to the surrounding property owners.

Chairperson Jones asked if any others wished 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 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 February 5, 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. 19-118 Public hearing, consideration, and possible action regarding Planned Unit Development (PUD) 285, 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 E. Avenue)

Plan Development Manager Larry Curtis reported PUD-285 was a Planned Unit Development request. He stated in 1972 Indian Springs Elementary School was constructed on the property and in 2013 the school was vacated and was no longer used by the school district. He stated none of the property was platted. He stated no information was provided regarding the proposed future of the property; however, the ON zoning district was limited primarily to office and financial type uses. He stated BAZ-2018, a request to change the zoning on the property from R-2 to ON, was recommended for approval by the Planning Commission on December 20, 2018 and would be considered by City Council on January 15, 2019, along with PUD-285, if recommended for approval by the Planning Commission. He stated the PUD limited the use of the property to only the allowed uses by right within the ON zoning designation and was submitted to fulfill the requirements of the original change of the Comprehensive Plan in BACP-155. He stated on October 18, 2016, City Council approved BACP-155, a request to change the Comprehensive Plan designation on the property from public/semi-public to Level 3. He stated BACP-155 was approved subject to the property being platted and all future rezoning applications to be considered for office use, only through a PUD process. He stated according to the FEMA maps no part of the building was located within the 100 year flood plain; however, portions of the property were located within the flood plain. He stated with the approval of BACP-155 the property was designated Level 3 in the Comprehensive Plan and Future Land Use Guide. He stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended PUD-285 be approved subject to City Council's approval of BAZ-2018 and the property being platted.

The applicant, Ms. Michelle Bergwall, stated her address was 701 S. Main Street, Broken Arrow, OK 74012. She stated she was in agreement with Staff recommendations.

Chairperson Jones opened 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 Mark Jones, seconded by Fred Dorrell.

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.

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 5:28 p.m.

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

Move to adjourn

The motion carried by the following vote:

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

 Mayor

 City Clerk