



City of Broken Arrow

Minutes Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

Chairperson Fred Dorrell
Vice Chairperson Lee Whelpley
Commission Member Ricky Jones
Commission Member Mark Jones
Commission Member Jaylee Klempa

Thursday, December 19, 2019

Time 5:00 p.m.

Council Chambers

1. Call to Order

Chairperson Fred Dorrell called the meeting to order at approximately 5:00 p.m.

2. Roll Call

Present: 5 - Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

Staff Planner Amanda Yamaguchi presented the Consent Agenda.

- A. 19-1516 Approval of Planning Commission meeting minutes of November 7, 2019**
- B. 19-1480 Approval of Planning Commission meeting minutes of November 21, 2019**
- C. 19-1512 Approval of Planning Commission meeting minutes of December 5, 2019**
- D. 19-1513 Approval of BAL-2068 (Lot Split), Freedom Wash, 1 Lot, 0.73 acres, R-1 to PUD-172/RD and CH, north of Kenosha Street (71st Street), one-quarter mile west of 9th Street (Lynn Lane), between 4th Street and 5th Street**

Ms. Yamaguchi indicated the applicant was in agreement with the Staff Report.

Chairperson Dorrell 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 removed for discussion. He asked if there were any items to be removed from the Consent Agenda; hearing none, he called for a motion.

MOTION: A motion was made by Jaylee Klempa, seconded by Lee Whelpley.

Move to approve the Consent Agenda per Staff recommendation

The motion carried by the following vote:

Aye: 5 - Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

5. Consideration of Items Removed from Consent Agenda

No Items were removed from the Consent Agenda; no action was taken or required.

6. Public Hearings

- A. 19-1504 Public hearing, consideration, and possible action regarding BACP-165 (Comprehensive Plan Change), Level 6 and Greenway/Floodplain to an increased amount of Level 6 and a decreased amount of Greenway/Floodplain, Metro Foot & Ankle, 0.58 acres, IL (Industrial Light), one-half mile south of Kenosha Street, west of Elm Place**

Staff Planner II Jane Wyrick reported BACP-165 was a request to change the Comprehensive Plan designation from Level 6 and Greenway/Floodplain to an increased amount of Level 6 and a decreased amount of Greenway/Floodplain on 0.58 acres located one-half mile south of Kenosha Street, west of Elm Place, at 701 W. Elgin Street. She indicated the property, which was vacant, was platted as Lot 1 of Block 10, Graham Franklin Industrial Park IV, recorded in Tulsa County on March 29, 1977. She stated the site was zoned IL (Industrial Light) and previously included a car wash. She reported in conjunction with BACP-165, the applicant submitted a request to rezone the property (BAZ-2042) from IL (Industrial Light) to CH (Commercial Heavy) and for approval of a Planned Unit Development permit (PUD-300). She explained with BACP-165, the applicant requested approval to increase the area of the site in Level 6 and reduce the area in Greenway/Floodplain for a proposed medical office. She stated currently, 14 percent of the site was within the 100-year floodplain, 57 percent was within the 500-year floodplain, with 29 percent of the site outside of floodplain. She noted the proposed amendment involved only the 500-year floodplain as shown on the conceptual site plan exhibit. She indicated the small size of the site made it a challenging site to develop, and while the site was platted within an industrial park, it bordered on Elm Place, a commercial corridor. She stated Action LU1.2 of the Land Use and Development chapter

(Chapter 4) of the Comprehensive Plan stated that infill development should be encouraged as it was ultimately more efficient for delivering city services and building infrastructure. She indicated commercial use was appropriate in this location, and infill development would revitalize this property along Elm Place. She stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended BACP-165 be approved subject to the conditions included with the Staff Report subject to the rezoning of the property, approval of the PUD, a Comprehensive Plan amendment exhibit showing the amount of area to be amended, while all of the 100 year flood plain would remain as greenway flood plain. She stated the applicant would coordinate with the Stormwater Manager and Project Engineer to ensure all requirements were met for development in the 500-year flood plain, including mapping the flood plain to the current topography and to provide compensatory storage for fill areas. She stated the applicant was to submit a LOMA F to FEMA. She indicated the applicant was to amend the limits of no access on the plat to allow for one driveway entrance consistent with the existing curb cut along Elm Place. The applicant was present and in agreement with Staff recommendations.

Chairperson Dorrell indicated no members of the public had signed up to speak regarding this Item.

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

Move to approve Item 6A per Staff recommendations

The motion carried by the following vote:

Aye: 5 - Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

Chairperson Dorrell noted this Item would go before City Council on January 21, 2019 at 6:30 p.m.

B. 19-1478 Public hearing, consideration, and possible action regarding BACP 166 (Comprehensive Plan Change), 811 W. New Orleans, 2.21 acres, Level 4 to Level 6, west of the southwest corner of New Orleans Street (101st Street) and Elm Place (161st E. Avenue)

Senior Planner Brent Murphy reported BACP-166 was a request to change the Comprehensive Plan designation on a 2.21-acre tract of land from Level 4 to Level 6. He stated the property was located west of the southwest corner of New Orleans Street (101st Street) and Elm Place (161st E. Avenue) and was presently zoned CG (Commercial General). He noted the property was platted as Lot 1, Block 1, Luby's. He explained the applicant was seeking the change in the Comprehensive Plan in an effort to modify the zoning on the property. He noted the owner of the property wished to lease space to a tenant who desired to use a portion of the existing building for the processing of medical marijuana, as well as for commercial growing/cultivation of medical marijuana. He stated the processing and growing of medical marijuana was only allowed in the IL (Industrial Light) and IH (Industrial Heavy) zoning districts; IL zoning was in conformance with the Comprehensive Plan in Level 6 when done as part of a PUD (Planned Unit Development). He noted as part of the application a draft PUD was submitted for informational purposes only; if BACP-166 was approved, the applicant would submit a request to change the zoning on part of the property from CG to IL along with a formal PUD submittal. He reported in the draft PUD submitted, the property was divided into two areas: Development Area A (north half of the property) and Development Area B (south half of the property). He noted included in the Agenda Packet were modifications to the Zoning Code. He indicated the applicant limited the use of the property to CG type uses and Light Manufacturing including medical marijuana, commercial processing and commercial growing/cultivation. He stated no medical dispensaries would be allowed; the PUD would specifically indicate no dispensary would be permitted; no signage advertising medical marijuana would be permitted; and the area of the building used for medical marijuana would be limited to 12,000 square feet.

He stated based on the Comprehensive Plan, the location of the property, the draft PUD submitted, and the surrounding land uses, Staff recommended BACP-166 be approved subject to a PUD being submitted similar in context to the draft PUD submitted with BACP-166; since the property was already platted, Staff recommended platting be waived

Commissioner Ricky Jones asked what the previous building use was. Mr. Murphy responded the building used to be a health club, as well as a medical supply distribution center. He indicated there was a compounding pharmacy in the north part of the building which was still in use. He reported immediately west of this property was Comprehensive Plan Level 6.

Vice Chairperson Whelpley asked if medical marijuana sales would be conducted on the property. Mr. Murphy responded there would not be a medical marijuana dispensary located on site; the industry would be limited to the growing and processing of medical marijuana.

The applicant was present and in agreement with Staff recommendations.

Chairperson Dorrell opened the Public Hearing and asked if any present wished to speak regarding Item 6B; hearing none, he closed the Public Hearing.

Commissioner Ricky Jones indicated he understood Mr. Brent Murphy was becoming an expert in medical marijuana. Mr. Murphy stated he had received extensive training regarding medical marijuana issues.

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

Move to approve Item 6B per Staff recommendations

The motion carried by the following vote:

Aye: 4 - Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell
Nay: 1 - Jaylee Klempa

Chairperson Dorrell noted this Item would go before City Council on January 7, 2019 at 6:30 p.m.

C. 19-1509 Public hearing, consideration, and possible action regarding BAZ-2041 (Rezoning), The Pines II, 45.84 acres, A-1 to RS-3, southwest corner of Omaha Street (51st Street) and 37th Street (209th E. Avenue)

Commissioner Mark Jones recused himself from the discussion and vote on Item C. He left the chamber during and returned following the discussion and vote for Item C.

Mr. Brent Murphy reported BAZ-2041 was a request to change the zoning designation on 45.84-acres from A-1 (Agricultural) to RS-3 (Single-Family Residential). He indicated the unplatted property was located on the southwest corner of Omaha Street (51st Street) and 37th Street (209th E. Avenue). He noted the applicant proposed to develop single-family detached residential dwelling units on the property (an expansion of The Pines, an existing subdivision immediately to the north of the property). He noted the applicant was in the process of requesting RS-3 zoning on the property. He indicated Staff recommended, based on the Comprehensive Plan, the location of the property, and the surrounding land uses, BAZ-2041 be approved subject to the property being platted.

The applicant Alan Betchan stated his address was 220 N. McKinley, Sand Springs. He indicated he was in agreement with the staff report.

Chairperson Dorrell opened the Public Hearing and asked if any present wished to speak regarding Item 6C; hearing none, he closed the Public Hearing.

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

Move to approve Item 6C per Staff recommendations

The motion carried by the following vote:

Aye: 4 - Jaylee Klempa, Ricky Jones, Lee Whelpley, Fred Dorrell
Recused: 1 - Mark Jones

Chairperson Dorrell noted this Item would go before City Council on January 21, 2019 at 6:30 p.m.

D. 19-1505 Public hearing, consideration, and possible action regarding PUD-298 (Planned Unit Development), Stewart Martin Equipment-Kubota Dealership and abrogation of a portion of SP-196A (Specific Use Permit, 6.60 acres, CH (Commercial Heavy), located one-quarter mile north of Kenosha Street (71st Street), east of Elm Place (161st E. Avenue)

Ms. Jane Wyrick reported Planned Unit Development (PUD)-298 involved a 6.60-acre tract located one-quarter mile north of Kenosha Street (71st Street), east of Elm Place (161st E. Avenue) at 1275 N. Elm Place. She stated in conjunction with PUD-298, the applicant requested a portion of SP-196A be abrogated for this property. She noted the property was platted and included the north portion of Lot 1, Block 1 of the Northside Christian Church plat. She reported the site of this request was originally platted in 1984 as the Bradley Chevrolet plat. She indicated when Northside Christian Church acquired the property in 2007 it was replatted as Lot 1, Block 1, of Northside Christian Church. She reported an original SP was approved in 2005 subject to platting; the platting was not completed so the SP expired. She stated in 2006 City Council approved SP-196A for the entire church property which included the former auto dealership site, subject to replatting, and limited the use of the site to the church and activities directly associated with the church. She stated Stewart Martin Equipment was in the process of acquiring the north 6.6 acres from Northside Christian Church and requested this portion of the site be abrogated from SP-196A. She indicated when Northside Christian Church platted the property 10 feet of right-of-way was dedicated along with a 17.5-foot utility easement; all necessary dedication was acquired by the City. She noted although there was an existing curb cut for the north 6.6 acres, per the plat the area was included in the limits of no-access area; therefore, should the PUD be approved the applicant would be required to change the access for the 6.6 acres site. She noted the Church and Stewart Martin Equipment intended to establish a mutual access

easement between the driveway for this site and the northernmost driveway for the Church by separate instrument. She reported with PUD-298 the applicant requested approval to allow tractor, utility trailer, all terrain vehicle, and associated equipment sales and rentals including parts and service on the 6.6-acre tract.

Ms. Wyrick indicated the applicant proposed gated access and a drive isle surrounding the building, proposed to extend landscaping from 10 feet to 15 feet and wrap landscaping around the corners of the property and along the entrance drive. She noted a black ornamental fence was proposed at the back of the landscape edge which would extend 200 feet back and then transition to a chain link fence. She noted the site was currently paved and the applicant proposed to resurface the existing pavement and retain the existing light poles. She noted the applicant proposed outdoor display of equipment, along with a one-story building of 17,500 square feet including a 5,000 square foot showroom, service bays, storage area, and employee breakroom. She stated the exterior building material included a masonry base with metal upper portion, 29-foot monument sign with aluminum cladding including a 74 square foot primary sign and 42 square foot LED display sign.

Ms. Wyrick indicated the property associated with PUD-298 was designated as Level 6 in the Comprehensive Plan recently adopted by the City Council and CH (Commercial Heavy) zoning was considered to be in conformance with the Comprehensive Plan in Level 6. She noted in Staff's opinion, PUD-298 satisfied items 1, 2, 3 and 5 of Section 6.4.A of the Zoning Ordinance: (1) Applicant designed a conceptual site plan that focused development on the front portion of the site and would utilize existing pavement and light poles. The rear of the site would remain as grass for the time being. To ensure compatibility with adjoining and proximate properties, applicant designed a 15-foot wide landscape buffer along Elm Place. The site had been idle for some time; with this development, the site would be redeveloped and beautified. (2) The applicant and abutting property owner to the south were utilizing existing curb cuts and drive aisles to provide a mutual access easement thereby providing greater flexibility and alternate access to Elm Place should a traffic disruption prohibit access from one of the driveways. (3) Previously, the site was paved nearly to the sidewalk; with PUD-298, some of the pavement would be removed, and a minimum 15-foot-wide landscape area would be provided along Elm Place with wider landscape areas at the corners of the property and extending along the entrance drive aisle. (5) The site had been underutilized for several years; with this development, the site would be redeveloped to include a new building, landscaping and ornamental fencing for a more productive use of the land.

Ms. Wyrick indicated according to FEMA maps, none of the property was located in a 100-year floodplain area. She stated based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended PUD-298 be approved subject to the following conditions of approval: (1) A lot split be completed to split the 6.60 acres of this PUD from the remainder of the Northside Christian Church property. (2) The applicant would amend the limits of no access on the plat to allow for one driveway entrance consistent with the existing curb cut. She indicated the Staff recommendation needed to be amended to include abrogation of the 6.6 acres northern portion of area included within SP-196A for Northside Christian Church.

The applicant Ryan McCarty with Select Design stated his address was 20 E. Dawes, Bixby. He indicated he was in agreement with the Staff Report.

Vice Chairperson Whelpley asked about the wainscoting height. Mr. McCarty responded he believed the wainscoting would be approximately 4 feet in height.

Commissioner Klempa asked about increasing masonry use along the front and sides of the building. Mr. McCarty noted the owners did not wish to increase the masonry; however, if the Planning Commission wished the masonry to be increased the owners would be willing to work with the Planning Commission in this regard. The Broker for the applicant, Brian Guthrie, noted landscaping for the property was increased and asked if landscaping could be decreased if masonry was increased. Commissioner Klempa indicated she felt as long as zoning code regarding landscaping was met, she would be pleased; she wished to see the building itself beautified through masonry.

Chairperson Dorrell opened the Public Hearing and asked if any present wished to speak regarding Item 6D; hearing none, he closed the Public Hearing.

Chairperson Dorrell asked about the surrounding area. Community Development Director Larry Curtis noted Northside Christian Church had metal accents associated with the building. He stated he understood the Commission's concerns; however, he believed the additional landscaping would beautify the area.

Commissioner Ricky Jones asked about the nearby Lawn and Garden Center. Mr. Curtis responded the Lawn and Garden Center was metal and EIFS. He displayed photos of the Church property. He noted the applicant worked with Staff making concessions to beautify

the property through landscaping. Commissioner Ricky Jones stated if Staff was confident the proposed development was consistent with the area he would approve. He noted he was comfortable with Staff recommendations. Commissioner Klempa noted she believed, with every new development, steps should be taken towards the beautification Broken Arrow wished to achieve.

Vice Chairperson Whelpley asked what percentage of building frontage facing public streets was required to be masonry. Ms. Wyrick stated she was not aware of the percentage. Mr. Murphy responded buildings which faced arterial streets such as this had a requirement for masonry along the entire front of the building.

Vice Chairperson Whelpley asked about building height. Mr. McCarty responded approximately 12 to 15 feet.

Commissioner Klempa indicated she would approve a building frontage which included EIFS and brick materials; she did not wish to see metal paneling. Mr. McCarty noted the photos displayed were photos of an existing store; however, he was working to get an architect engaged regarding building elevations. He asked if PUD site planning approval would be required prior to building permit approval. Assistant City Attorney Tammy Ewing responded in the affirmative. Mr. Curtis indicated site plan approval would not go before Planning Commission. Discussion ensued regarding the recommendation of the Planning Commission, the percentage of required masonry, EIFS being considered a masonry material, commercial requirements regarding masonry, ensuring the building was beautified, and requiring 100% masonry up to the overhang (12 feet) and continuing 50 feet along the sides of the building toward the back.

MOTION: A motion was made by Jaylee Klempa, seconded by Mark Jones.

Move to approve Item D, per Staff recommendations, including 12-foot-high masonry along the front of the building and 50 feet along the south and north side of the building, as well as abrogating a portion of SP-196A for this property

The motion carried by the following vote:

Aye:	4 -	Jaylee Klempa, Ricky Jones, Lee Whelpley, Fred Dorrell
Abstain:	1 -	Mark Jones

Chairperson Dorrell noted this Item would go before City Council on January 7, 2019 at 6:30 p.m.

Commissioner Ricky Jones noted the Mayor of the City of Bixby was in attendance.

E. 19-1514 Public hearing, consideration, and possible action regarding PUD-299 (Planned Unit Development), Tidal Wave, 1.23 acres, R-2 (Single-Family Residential) to CH (Commercial Heavy), south of the southeast corner of Houston Street (81st Street) and Elm Place (161st East Avenue)

Ms. Amanda Yamaguchi reported Planned Unit Development (PUD)-299 involved a 1.23-acre parcel located south of the southeast corner of Houston Street (81st Street) and Elm Place (161st East Avenue). She stated the property was currently zoned R-2 (Single-Family Residential) to CH (Commercial Heavy); BAZ-2033, a request to change the zoning on the property from R-2 to CH was approved by the City Council on August 20, 2019, subject to the property being platted and a PUD being approved on the property. She noted BACP-163, a request to change the Comprehensive Plan designation on this property from Public/Semi Public to Level 6, was approved by the City Council on July 16, 2019 subject to the property being platted.

Ms. Yamaguchi reported Tidal Wave proposed to be developed in accordance with the City of Broken Arrow Zoning Ordinance and the use and development regulations of the CH district, except as outlined in the Staff Report. She noted the modifications included: (1) Creating a minimum lot size of 22,500 sq. feet (half an acre). (2) The north setback abutting the R-2 district being reduced to 35-feet from 50 feet due to driveway use of the property. (3) Maximum building height restricted to 35-feet. (There was no current maximum building height in CH zoning.) (4) An opaque, wood screening fence of at least 6 feet in height would be provided along the north and east boundaries of this property, except the west 215 feet of the north boundary (the boundary which abutted the driveway property to the north). (5) Due to the adjacent property driveways, the distance between the driveway to the north and the proposed drive would be less than the separation requirement of Section 5.3.B.3 of the Zoning Ordinance. She noted the access point onto Elm Place would be located on the tract immediately south of this tract and accessed through a mutual access easement as shown in the PUD exhibit.

Ms. Yamaguchi noted the Future Development Guide of the Comprehensive Plan was modified with BACP-163 to be designated as Level 6 and the CH (Commercial Heavy) zoning being requested was considered to be in accordance with the Comprehensive Plan in Level 6. She indicated according to Section 6.4 of the Zoning Ordinance, the PUD

provisions were established for one or more of the following purposes: (1) To permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties. (2) To permit greater flexibility within the development to best utilize the physical features of the particular site in exchange for greater public benefits than would otherwise be achieved through development under this Ordinance. (3) To encourage the provision and preservation of meaningful open space. (4) To encourage integrated and unified design and function of the various uses comprising the planned unit development. (5) To encourage a more productive use of land consistent with the public objectives and standards of accessibility, safety, infrastructure and land use compatibility. She indicated in Staff's opinion, PUD-299 satisfied items 2 and 5 of Section 6.4.A of the Zoning Ordinance: (2) With PUD-299 the applicant proposed to exclude the west 215-feet of the north boundary from the screening requirement. This request was due to the use of the property to the north as a driveway. Although the property to the north was zoned R-2, it was not being used for and was unlikely to be developed for a residential use. (5) The building setback along the north boundary was requested to be reduced due to the width of the site; however, the property to the north was being utilized as a driveway entrance to a childcare facility to the north. PUD-299 requested to move the driveway access to the development to the property to the south which would allow the distances between existing and proposed driveways to be in closer compliance with the zoning ordinance while providing access to this site and future developments. She stated according to FEMA maps, none of the property was located in a 100-year floodplain area. She stated based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended that PUD-299 be approved subject to the property being platted.

The applicant, Tim Terrell with Tulsa Engineering and Planning Associates, stated his address was 9820 E. 41st Street, Suite 102. He indicated he was in agreement with Staff recommendations.

Chairperson Dorrell opened the Public Hearing and asked if any present wished to speak regarding Item 6E; hearing none, he closed the Public Hearing.

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

Move to approve Item 6E per Staff recommendations

The motion carried by the following vote:

Aye: 5 - Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

Chairperson Dorrell noted this Item would go before City Council on January 21, 2019 at 6:30 p.m.

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 or comments by Planning Commission and Staff.

10. Adjournment

The meeting adjourned at approximately 5:39 p.m.

MOTION: A motion was made by Mark Jones, seconded by Jaylee Klempa.

Move to adjourn

The motion carried by the following vote:

Aye: 5 - Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell